

TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF JANUARY 14, 2003

6:30 P.M.
REGULAR MEETING
Conference Room "A"

Present:

Chair - Richard N. Wardell
Mark Fleisher
Carl Masler
Lee McDonald
James Ormiston
Angela Piersimoni

Absent: Lee Younge

Guests: Scott Esty, Joe Rowe, Donna Hutchison, Jamie Gensel, Ruth Kuhn, Bill Morse,
George Miner

Staff: Chuck Coons, Director of Building Inspection and Code Enforcement; Duane Gardner,
Town Board member

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee.

MINUTES

Fleisher made a motion to accept and approve the minutes of December 17, 2002, seconded by Piersimoni. All in favor, motion carried.

CHEMUNG VALLEY MONTESSORI SCHOOL
SITE PLAN - PRELIMINARY AND FINAL SITE PLAN
TAX PARCEL NO.: 66.04-3-46.00

Wardell reviewed and described the proposed resolution as prepared by the Executive Committee. It was noted that the revised *site plan* was received and that three of the Involved and Interested Agencies notified per Resolution P77-2002, responded with no objection to the Planning Board being Lead Agency. Comments have not been received from the Chemung County Planning Board, Chemung County Public Works and the Big Flats Fire Department.

The thirty-day limit has expired and the Board has determined that there is sufficient information to complete the environmental review and completed an EAF Part 2. Two concerns with the transportation and *parking* issues were noted on the EAF Part 2.

Wardell asked the Board if they have any questions or comments. There being none, he asked for a Resolution.

RESOLUTION P83-2003
CHEMUNG VALLEY MONTESSORI SCHOOL
SITE PLAN - PRELIMINARY AND FINAL SITE PLAN
TAX PARCEL NO.: 66.04-3-46.00

WHEREAS this Board has received an *application* for site plan approval from Chemung Valley Montessori School to convert a residential property located at 99 Main Street into a middle school;

AND WHEREAS this property is located in the Residential 2 (R2) District, at the intersection of Main Street and Church Street;

AND WHEREAS a *private school* is permitted in the R2 *district* by *site plan* approval;

AND WHEREAS the *applicant* states, in a letter dated November 18, 2002, that the *private school* will initially employ 1 teacher with part-time staff, and house 4-6 students, and eventually employ 2 teachers with a full enrollment of 16 students;

AND WHEREAS the *building* is of masonry construction and both floors of the *building* are permitted to be used as a *private school* by *building* code standards;

AND WHEREAS the property is serviced by public water, but not by public sewer;

AND WHEREAS the *applicant* has submitted a revised *site plan*, dated December 18, 2002, showing a revised future *parking area*;

AND WHEREAS that the Involved and Interested Agencies have been notified per Resolution P77-2002;

BE IT THEREFORE RESOLVED that the documents submitted are accepted as preliminary *site plan*;

AND FURTHER RESOLVED for Environmental Review purposes, the Planning Board is the Lead Agency, finds the proposed *site plan* to have no significant potential adverse affect on the environment based on EAF Part 2 completed by the Planning Board, and, therefore, issues a Negative Declaration with the following finding:

Parking on the site is marginal. *Parking* for special events held at this property shall be maintained on-site, or at another site to avoid *parking* on the public streets. *Parking* on the street shall be discouraged at all times during operation of the *private school* and/or school special events.

AND FURTHER RESOLVED that the presented documents of the *site plan application* are accepted and approved as a Preliminary Plan and accepted as a Final Plan;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following conditions:

- 1) This Board shall receive comments from the Chemung County Planning Board before endorsement of the approved Final Plan by the Board's chairperson or the person acting in behalf of the chairperson, and
- 2) Notice shall be posted on site stating that *parking* must be on site and/or any other private site, but not on public streets by staff, parents and visitors.
- 3) For special events, notices shall be sent to those invited to such events stating that *parking* must be on site and/or any other private site, but not on public streets.

CARRIED: AYES: Wardell, Fleisher, Ormiston, McDonald, Piersimoni, Masler
NAYS: none
ABSTAIN: none
ABSENT: Younge

Wardell suspended the business portion of the meeting in order to conduct a scheduled public hearing.

PUBLIC HEARING 6:35 P.M.

SCHWEIZER et al. SUBDIVISION PRELIMINARY PLAT

TAX PARCELS # 67.02-1-10, #67.02-1-12, #67.01-1-14,

#67.01-1-15, #67.01-1-16, #67.01-1-18, #67.01-1-19, #67.01-1-20 & #67.01-1-57

Chairman Wardell called the Public Hearing to order at 6:43 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Wardell asked for comments from those present who wished to speak:

IN FAVOR: none
AGAINST: none
COMMENTS: none

Wardell closed Public Hearing at 6:53 P.M. and reconvened the business portion of regular meeting.

SCHWEIZER et al. SUBDIVISION

PRELIMINARY & FINAL PLAT

TAX PARCELS # 67.02-1-10, #67.02-1-12, #67.01-1-14, #67.01-1-15, #67.01-1-16, #67.01-1-18, #67.01-1-19, #67.01-1-20 & #67.01-1-57

Wardell reviewed the proposed resolution as prepared by the Executive Committee to approve the revised preliminary *subdivision* plat and accept the revised plat as a final plat and approve the final *subdivision* plat. He described and explained the purpose for dividing the property. The Board was asked for questions or comments.

Fleisher asked what minimum square footages is for a lot to be classified as a conforming lot and how that would calculate into acreage. Coons, Director of Building Inspection and Code Enforcement, replied that 35,000 square feet is the minimum that would calculate to approximately 0.81 acres.

Ormiston asked that an on-site turn-around driveway condition be added to the proposed resolution.

There being no further comments or questions, Wardell asked for a resolution.

RESOLUTION P84-2003

SCHWEIZER et al. SUBDIVISION

PRELIMINARY & FINAL PLAT

TAX PARCELS # 67.02-1-10, #67.02-1-12, #67.01-1-14, #67.01-1-15, #67.01-1-16, #67.01-1-18, #67.01-1-19, #67.01-1-20 & #67.01-1-57

Resolution by: Ormiston
Seconded By: McDonald

WHEREAS this Board has received an application from Lewis Morse Jr. Esq. on behalf of Paul Schweizer et al. for the subdivision and re-subdivision of property located in the Residential 1 (R1) district along County Route 64, west of Welles Bridge, as shown on a Plat prepared by Weiler Associates, dated August 25, 1999 and revised October 5, 1999 and November 20, 2002, Job #11574.02

AND WHEREAS the applicant has submitted a revised subdivision plat, dated December 20, 2002, showing the following:

Tax parcel #67.02-1-12, shown as lot 'A', comprising of 5.828 acres, is to be subdivided into two lots A-1 and A-2, each to contain 2.914 acres;

Tax parcel #67.01-1-57, shown as lot 'C', comprising of 8.092 acres, is to be subdivided into eleven lots, C-1 through C-11, and lots C-2 through C-10 are to be re-subdivided as follows:

Tax parcel #67.01-1-14 of 0.37 acre will remain non-conforming by re-subdivision with lot C-2 of 0.388 acre (totaling 0.758 acre),

Tax parcel #67.01-1-15 of 0.41 acre will become conforming by re-subdivision with lot C-3 of 0.465 acre (total 0.875 acre),

Tax parcel #67.01-1-16 of 0.344 acre will remain non-conforming by re-subdivision with lot C-4 of 0.321 acre (total 0.665 acre),

On the re-subdivision with lot C-5, of 0.346 acre, lot C-6 of 0.256 acre, and lot C-7 of 0.280 acre, tax parcel #67.001-1-18 consisting of 0.459 acre will become conforming to a total of 1.341 acres,

Tax parcel #67.01-1-19 of 0.459 acre will remain non-conforming by re-subdivision with lot C-8 of 0.305 acre (total 0.764 acre),

On the re-subdivision with lot C-9 of 0.330 acre and C-10 of 0.354 acre, tax parcel #67.01-1-20 consisting of 0.459 acre will become conforming to a total of 1.143 acres. and

Tax parcel #67.02-1-10, shown as lot "D", comprising of 16.6584 acres, is to be subdivided into two parcels with D-1 containing 7.2044 acres and D-2 containing 9.454 acres;

BE IT THEREFORE RESOLVED that this Board approves the revised preliminary subdivision plat and accepts the revised preliminary plat as a final subdivision plat for this application;

AND FURTHER RESOLVED that the final subdivision plat is approved subject to the condition that any resulting undeveloped *lot* with frontage on County Route 64 shall have its future *driveway* constructed with an on-site turn-around sufficient for a *motor vehicle* to turn completely around in the *driveway* before re-entering the *public road* (County Route 64).

CARRIED: AYES: Wardell, Fleisher, Ormiston, McDonald, Piersimoni, Masler
 NAYS: none
 ABSTAIN: none
 ABSENT: Younge

CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (CCIDA) ZONING AMENDMENT TAX PARCELS #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37

Jamie Gensel of Fagan Engineers led the discussion to update the Board on the work being done on property located south of Route 17 and Kahler Road intersection, commonly known as the Airport Corporate Park South (ACP South) project. Chemung County IDA has requested that the property be

rezoned from Business Non-Retail (BNR) to Airport Business District (ABD). This would permit commercial development that is currently available in Airport Corporate Park north of Route 17.

Mr. Gensel presented a memo from George Miner, President of CCIDA, to the Board. The memo listed the uses CCIDA would like to have available in the ACP South area, most of which are currently allowed in the ABD by site plan. Chairman Wardell questioned the use of a *private school*, as currently it is not an allowed use. Mr. Miner explained that this could include Sylvan Learning Center, EBI, or any other private education facility that may want to locate a branch in ACP.

Truck terminals and storage facilities were discussed, as locating these uses in ABD has been a concern of the Town Board. Mr. Miner said that those *uses* are not compatible with the vision of ACP; therefore it is fine to remove those uses from the ABD district.

Mr. Coons stated that the Town's consulting engineer on the project has completed their review, and is now working on the comments back from Fagan Engineers. A report is due soon. The consultant stated that there are no red flag issues. Mr. Coons also stated that the Town Board would be setting up a committee to continually review the zoning, once the RU Committee wraps up their work.

Mr. Miner noted that CCIDA would like to proceed soon to develop the infrastructure of ACP South. A grant has been secured from Build Now New York to assist in this cost. They would like to begin marketing the property in Spring of 2004. The Town supervisor has suggested that the RU Committee work and the zoning changes could be completed by May 1, 2003.

TERRY & LINDA HORGAN CAR WASH FACILITY
ZONING AMENDMENT REFERRAL
TAX PARCEL #76.00-2-10.11

The Town Board received a request for a Zoning Amendment to allow the construction and operation of a *car wash* facility in the Business Neighborhood (BN) Zoning District. Our Municipal Code requires that the Town Board refer all rezoning request to the Planning Board to determine findings of the SEQRA process and to determine as to whether the Town Board should consider the Zoning Amendment. The Town Board will remain the ultimate decision maker and Lead Agency.

A concern in permitting a *car wash* in a BN Zoning *District* is that public water is not available in all parts of the BN Zoning *District*. However, this *application* is proposed in an area where public water is available.

In reviewing two possible avenues, the Board discussed the concern of. "Spot Zoning" because the two zoning *district* that permits a *car wash* facility are not adjacent to the proposed location or by adding a *car wash* as a permitted *principal use* in the BN Zoning *District*.

For the Board's review, Coons distributed copies of the EAF Part 1 prepared on behalf of the *applicant* and it was noted that according to State Law all rezoning referral would be submitted to the Chemung County Planning Board for their review and comments. The Board then proceeded to complete an EAF Part 2.

Wardell asked for questions or comments. McDonald, who lives in a BN Zoning *District*, expressed his concern that the water supply would not be adequate for a *car wash* facility in his area. Coons replied that any *car wash application* would be a permitted *use* only where there is public water supply to the *lot* in the *district* and the *use* to be supplied by public water supply.

Ormiston commented that a lot of the car washes today are a combination of a *car wash* and *motor vehicle filling stations* that are not permitted in the BN Zoning *District*. Wardell replied that these would be

There being no further comments, Wardell asked for a resolution.

RESOLUTION P85-2003
TERRY & LINDA HORGAN CAR WASH FACILITY
ZONING AMENDMENT REFERRAL
TAX PARCEL #76.00-2-10.11

Resolution by: Fleisher
Seconded by: Masler

WHEREAS the Town Board has received a letter from Gerald E. DeFilippo, representing the applicants Terrence and Linda Horgan and as their attorney, requesting the action of a zoning amendment to permit a car wash facility at 3131 State Route 352 on tax parcel #76.00-2-10.11 presumably as a principal use;

AND WHEREAS pursuant to Resolution 364-02 and the Town Municipal Code, Section 17.68.020, the Town Board has referred this matter to the Planning Board for:

- 1) making the required SEQRA (6NYCRR 617.3) review of the requested action on behalf of the Town Board, and
- 2) making a recommendation to the Town Board of a decision for the Town Board to make on the requested action;

AND WHEREAS the Town Board, as the decision-maker on the requested action, is the Lead Agency, and referral to the Chemung County Planning Board is required for its response to the requested zoning action;

AND WHEREAS tax parcel #76.00-2-10.11 is in the Business Neighborhood District;

AND WHEREAS *car wash principal use* is not permitted in the BN District pursuant to Code Section 17.12.010, but is permitted in the Business Regional (BR) and Commercial Light Industrial (CL) Districts;

AND WHEREAS the applicant's request for zoning amendment does not specify a particular zoning amendment other than one that will allow the construction and operation of a car wash facility on tax parcel #76.00-2-10.11;

AND WHEREAS the applicant's requested zoning amendment could potentially be for:

- 1) adding in Code Section 17.12.010 a new car wash principal use in the BN District or
- 2) changing that portion of the district in which tax parcel #76.00-2-10.11 lies to BR or CL District;

AND WHEREAS the BN District consists of the following eight portions within the Town:

- 1) a westerly portion along the Southside of NYS Route 352, in which tax parcel #76.00-2-10.11 lies,
- 2) a portion along the south side of NYS Route 352 immediately east of River Street,
- 3) a portion along the west side of River Street opposite Community Park,
- 4) a portion along both sides of NYS Route 352 immediately east of Maricle Road,
- 5) a portion along both sides of NYS Route 352 immediately east of Cottage Drive West,
- 6) a portion along the southwesterly side of NYS Route 352 immediately northwesterly of Hendy Creek Road,
- 7) a portion along the south side of Hendy Creek Road immediately west of Combs Hill Road, and
- 8) a portion along both sides of Hendy Creek Road in the vicinity of the intersection of Hendy Creek Road and Bennett Road;

AND WHEREAS amending Code 17.12.010 to permit car wash principal use on the tax parcel #76.00-2-10.11, but not elsewhere in the BN District, is deemed to be unlawful spot zoning;

AND WHEREAS, on behalf of the applicant to expedite the processing of the application for zoning amendment, the Town's Director of Building Inspection and Code Enforcement has prepared the Environmental Assessment Form (EAF) Part 1, subject to modification as requested by the applicant;

BE IT THEREFORE RESOLVED that the Planning Board determines the most reasonable and lawful interpretation of the applicant's application request for zoning amendment to be adding in Code Section 17.12.010 a new principal use car wash in the BN District;

AND FURTHER RESOLVED, based on the foregoing determination and for environmental review, that the Planning Board finds the requested action is a Type 1 action in view of the fact that the BN District consists of more than 25 acres;

AND FURTHER RESOLVED, based on the requirement for Town Board decision and Chemung County Planning Board action on the requested zoning amendment action, that the Planning Board conduct a coordinated review with the involved agencies, which are the Town Board and the Chemung County Planning Board;

AND FURTHER RESOLVED that the Planning Board now completes the EAF Form Part 2 and, based thereon, finds that the requested action will not involve any significant, potential, adverse environmental impact except for a small-to-moderate, significant, potential, adverse impact of the quantity of available groundwater in the neighborhood of any car wash principal use relying on its own private well, which impact can be mitigated by restricting the new principal use car wash in the BN District to only lots therein having access to public water supply and to such use being supplied wholly by public water supply;

AND FURTHER RESOLVED that the Planning Board determines a conditioned negative declaration of environmental impact by the requested action as the EAF Form Part 3 and based on the immediately preceding finding;

AND FURTHER RESOLVED, subject to the response from the Chemung County Planning Board on this resolution, the Planning Board recommends that the Town Board:

- 1) adopt the environmental finding and determination set forth in this resolution as the premise for its decision on the requested action, and
- 2) enact a zoning amendment to Code Section 17.12.010 by adding car wash principal use as a permitted use under site plan approval to the BN District subject to the restriction that such use is permitted only on a lot with access to public water supply and that the water needs of such use be wholly supplied by a public water supply.

CARRIED: AYES: Wardell, Fleisher, Ormiston, McDonald, Piersimoni, Masler

NAYS: none

ABSTAIN: none

ABSENT: Younge

MEMBERS COMMENTS

- RURAL (RU) COMMITTEE will meet on Thursday, January 23, 2003, from 2 p.m. to 5 p.m, at the Town Hall.

Meeting adjourned at 8:10 P.M.

Respectfully Submitted
Nancy Van Maarseveeen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF FEBRUARY 11, 2003**

6:30 P.M.
SPECIAL MEETING
Big Flats Elementary School
543 Maple Street

Present:

Chair - Richard Wardell
Mark Fleisher
Carl Masler
Lee McDonald
James Ormiston
Angela Piersimoni
Lee Younge

Guests: Christa and Dennis Caffarelli, Peggy and Larry Ledin, Joseph Flemming, Dave Arnold, Larry Shant, Susan Pawlak, Ruth Kuhn, Joe Rowe, Dan Dibble, Christine Zajicel, Ken and Joanne Comstock, Marge and Larry Stratton, Scott Esty, Chris Crozier, Steve Hakes, Tom Reilly, Terry Morroni, T.J. Carpenter, Robert and Mary Ellen Ivers, Lynnette Eusden, Elizabeth Eickmann, Heather Hanson, Phyllis Ryder, Susan and Ronald Cunningham, Joe Piersimoni, Tom Alley, Bill Garrison

Staff: Charles Coons, Director of *Building* Inspection & Code Enforcement,
Eric Corey, Code Enforcement Officer

Town Board Members: Mary Ann Balland, Ed Fairbrother, Duane Gardner, and Tom Reed

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee and limited to the election of the vice chairperson for 2003, appointment of the third Executive Committee member for 2003 and the Plantscape Exterior *site plan application*.

Fleisher made a motion to accept and approve the minutes of January 14, 2003, seconded by Ormiston. All in favor, motion carried.

VICE CHAIRPERSON FOR 2003

Wardell presented the resolution and the Board unanimously agreed that Mark Fleisher be reelected as vice-chairperson for the year 2003.

RESOLUTION P86 -2003

VICE CHAIRPERSON FOR 2003

Resolution by: Younge
Seconded by: Ormiston

WHEREAS the Planning Board annually elects a vice chairperson,

AND WHEREAS Mark Fleisher has ably served as vice chairperson for 2002 and is willing to serve as vice chairperson for 2003;

THEREFORE BE IT RESOLVED that Mark Fleisher is elected vice chairperson for 2003.

ADOPTED: AYES: Masler, Ormiston, Piersimoni, Younge, Wardell

NAYS: none

ABSTAIN: Fleisher

ABSENT: McDonald

APPOINTMENT OF THIRD MEMBER OF EXECUTIVE COMMITTEE FOR 2003

Pursuant to Rule 2(A) of the Planning Board, Wardell appointed Angela Piersimoni as the third member of the Executive Committee for 2003.

PLANTSCAPE EXTERIOR SITE PLAN TAX PARCELS #66.03-1-1 AND 66.03-1-49

Wardell outlined the new Plantscape Exterior *Site Plan*, dated September 16, 2002. This proposed plant nursery would access Davenport Road with a public *road* not yet constructed. When the *road* has been completed to *Town's* standards, it will be presented to the *Town* for dedication and their acceptance of the deed.

There is a proposed gravel *road* to extend through *Lot A-3*, a previously approved subdivision, (reference P58-2002) and into the proposed Plantscape development. This *lot* includes a separate tax parcel that fronts on County Line Drive. This *lot* has been re-subdivided prior to approval of the *subdivision* and is to be combined with *lot B-1* of the Rural (RU) Zoning *District*. There will be no *road* connection to County Line Drive. The tax parcel in the Residential 1 (R1) Zoning *District* will be solely accessed through the gravel *road*, which will extend from the proposed public *road* to the proposed nursery site, that would include a pole barn, a few accessory *structures* and an area for planting and growing of plants.

The substantial wetland area in this *site plan* is governed and controlled by the New York State Department of Environmental Conservation (NYS DEC) where the proposed gravel *road* is to run along the east side of the wetland. There is a *buffer* area that extends around the perimeter for protection and cannot be encroached upon except by the proposed gravel *road* as per NYS DEC Regulations.

The Board reviewed the proposed principal business *uses* as shown on the *site plan*. This review included the hours of operation, the number of employees, the proposed traffic, natural visual barrier, the proposed pole barn, the *parking area*, the access gravel *road*, the proposed public *road*, the sanitary holding tank, the proposed water usage, setbacks, the chemical *use* and storage. It was noted that the *applicant* is certified for chemicals *uses*; therefore, he is governed and controlled by the NYS DEC Regulations and "best management practices".

Since preparing the proposed resolution on February 6, 2003, this Board has determined that the archeological resource issue needs to be reexamined. The *applicant* had not performed the archeological study recommended by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP); therefore, further documentation from the *applicant* has been required before item number 12 on the Part 2 – Project Impacts and their Magnitude Form (EAF Part 2) can be completed. The *applicant* needs to perform a Phase I Archeological Survey to evaluate if any substantial evidence of disturbance of the soil would produce any archeological artifacts. Aerial photos received from the Office of Soil and Water Conservation *District* appear to show that in 1955 farming had been done on this *property*.

Wardell noted that this proposed resolution was taken from the written views of Carl Masler, Angela Piersimoni, James Ormiston and himself. A motion was made to proceed with the proposed resolution. Fleisher made the motion; Piersimoni seconded the motion to accept the proposed resolution. The proposed resolution was read and the Board agreed to open the forum

to include questions and comments from the audience:

- Fleisher commenced with a brief statement:

“In the interest of full disclosure, I would like to state that Mr. Denton, Mr. Morroni’s attorney, represented me in a real estate transaction approximately 12 years ago. After conferring with the Attorney for the *Town*, and in reviewing legal opinions of the State Comptroller, it was felt that this relationship did not rise to the level of material conflict of interest and that my recusal from the matter before this Board was not necessary. By the same token, Mr. Reilly, Counsel to the Neighborhood Association, and I have mutual friends at whose homes we have met socially in the past. Neither of these relationships has had any bearing on my thoughts and eventual decision regarding the Plantscape matter before this Board. That decision is made solely on the facts and merit of the evidence presented. “

- McDonald recommended that item 12 be modified to enable Mr. Morroni to remove any necessary trees in his growing beds as general maintenance. Wardell replied that this would be considered as a condition during the final approval.
- Masler asked what conditions would apply should the *applicant* sell his business. Wardell replied that like any *site plan* approved the successor only gets what has been approved previously and any significant change would have to be presented to the Planning Board for a *Site Plan* Amendment approval.
- Thomas Reilly, Attorney for the Davenport Forest & Oakfield Neighborhood Association and individual residents, questioned that there appeared to be a motion by the Executive Committee that differed significantly from the hand out given to the residents. Wardell replied that the handout is just a proposed resolution created by the Executive Committee to help move the process forward during the actual Planning Board Meetings. The hand out is not an actual resolution until this Board makes it a resolution.
- Referring to the May 7, 2002, Planning Board Minutes, Resolution P20-2002, Mr. Reilly asked why several written replies seem to be missing in reference to the Board’s request for comments from the Involved and Interested Agencies. Wardell replied that the Involved and Interested Agencies contacted have thirty-days to respond. All agencies do not respond and some only respond verbally. As Lead Agency after the thirty-days the Planning Board can proceed. It is not uncommon not to receive a written reply from the Fire Department.
- Mr. Reilly asked where is the erosion control and septic approval documentation as required by the Board in Resolution P20-2002. Fleisher commented that it should be noted that there have been many revisions along the way, creating an entirely different *site plan* proposal. Piersimoni commented that the 2000-gallon sanitary holding tank now proposed is to replace the septic tank in the previous *site plan* and she believes that the *County* has approved the holding tank. Wardell commented that the Board has received no documentation from the *County* about the holding tank. Morroni commented that the holding tank on the new *site plan* drawings is reflective to the Chemung County Health Department’s specification. Mr. Rowe requested a copy of the documentation from the Chemung County Health Department for the appropriateness of the proposed block layout of the individual septic system. Fleisher commented that it is the *applicant’s* responsibility to submit his proposed septic system to the Health Department for their written approval. The holding tank issue will be further addressed when conditions are set for approval.
- Mr. Reilly asked about the *large tree* removal and whether this would include dead trees. Fleisher replied that the *large trees* specifications would be considered when the conditions

are set for approval. Wardell reminded Mr. Reilly that at this time we are not dealing with approval and that this resolution only represents accepting the documents that the *applicant* has submitted. He further explained that before this Board can complete an environmental determination, the *applicant must* expedite the archeological survey as requested by (OPRHP). Younge wanted to clarify that Mr. Morroni was implying that the *large trees* would not be removed from the *buffer* area. Wardell replied that the zoning law defines that a *large tree* cannot be removed from anywhere on the *property*. A definition of a *large tree* was asked to be defined.

- Mr. Joe Rowe requested documentation for the erosion control plan. Wardell replied that this area is relatively flat and should not cause any significant erosion and that the wetland is under the jurisdiction of the DEC. Mr. Rowe asked about the Fresh Water Permit that the DEC had asked that a silk screen should be required. Wardell replied that this issue would be addressed in the conditions for final approval. Mr. Rowe described a situation in which the chemicals ran off Mr. Morroni's *property* onto the adjoining properties and killed the grass. Younge asked Mr. Morroni what chemicals he had sprayed in this area. Mr. Morroni replied that he had used calcium chloride to control the dust on the *road* and that it *may* have traveled through the existing drainage system. A flooding experience in the past at Consumer Square was discussed.
- With regards to the Board's statement that the residents did not give evidence of significant adverse effect of traffic & safety impact, Mr. Rowe reminded the Board that they acknowledged that this primary *road* does not provide a safe environment for children to walk because of lack of lights and sidewalks. He asked how adding additional tractor-trailer traffic would not further endanger the children's safety. Wardell questioned how a tractor-trailer would be any more dangerous than the existing traffic. Mr. Rowe requested that larger *vehicles* be defined. Wardell advised Mr. Rowe that the Commissioner of Public Works would address this definition.

Mr. Rowe asked if the sight-distance for the tractor-trailers to turn into the proposed *road* had been measured, especially considering the turn is on a hill. Wardell asked Chuck Coons, Director of *Building* Inspection and Code Enforcement, to reply to Mr. Rowe's sight distance question. Coons replied that Mr. Larry Wagner, Commissioner of Public Works, provided the following information that will be presented in a memo to the Board. Coons reported that the data was taken at the intersection of the proposed new *public road* and Davenport Road. The sight distance measured to the west was 683 ft. and the sight distance measured to the east was 857', which by AASHTO Standards, the *road* is designed for traffic up to 70 mph. Using the AASHTO Table, the Davenport Road, being a 30 mph *road* would be 200 ft. rounded for design and added that the area where the new intersection will be located has a caution at 25 mph. It was pointed out that Davenport Road is a primary *road* by our code and definition and is a connection *road* between two counties. Mr. Rowe asked Mr. Coons when this data was acquired. Mr. Coons replied that this information had been done four or five months ago, but today more specific measurements were taken using a tape wheel and AASHTO Standards and noted that this Table reflected stopping sight distance on wet pavement. Fleisher commented that even if preliminary approval were granted the final approval would still be contingent on the *Town* Board accepting the *road* that at this time has not been built.

- Elizabeth Eickmann expressed concerns about:
 - the sharpness of the turn off Davenport Road onto the proposed *road*,
 - a truck unable to stay within a lane as it is turning, especially with oncoming traffic proceeding around a blind curve, making it a visibility issue, Piersimoni asked if Ms. Eickmann would like is to have the *road* reconfigured. Ms. Eickmann replied that if having the *road* reconfigured would prevent an accident then she agrees that the *road* should be reconfigured.

- the school buses dropping off the children near 68 Davenport Road creating a number of children walking up and down this primary *road*.
- Ronald Peters agrees that Davenport Road is a dangerous *road* and is concerned that the school children are dropped off by the school buses and made to walk on Davenport Road. Wardell replied that the school bus issue is not within the Planning Board's jurisdiction, that the residents need to address this issue to the school board. Younge compared Olcott Road and agreed that traffic is a problem for pedestrians but that this Board has no jurisdiction. Fleisher asked Mr. Peters what the time frame that the children are being dropped off to disperse. Mr. Peters replied from 7-8 a.m. and 2-4 p.m.
- Mr. Peters has observed numerous accidents in the Davenport Road area and is concerned that an increase in tractor-trailer traffic could increase accidents. Wardell replied that in his experience the *family vehicles* travel much faster than the tractor-trailers. Wardell noted that the turn radius in the entry of the proposed *road* with respect to Davenport Road would be addressed with Larry Wagner, Commissioner of Public Works and reminded the audience that the *Town* Board will not accept the deed for the *road* without appropriate turn radius
- Mr. Tom Alley commented that:
 - In reference to snow removal, Davenport Road has not been treated as a primary *road*, and
 - Compared *road* wear and tear based on tire pressure (psi) and load rating,
 - he disagreed with the statement that there is plenty of ground water. He is concerned that more water is being taken out than the rate of recovery,
 - noise has not been addressed and he occasionally works non-traditional hours and had to wear earplugs last summer while work was being done on the new *driveway*. He is concerned with the construction equipment needed for the proposed *site plan*.
 - He summarized that he wanted to be sure that someone is listening to the public.
- Joseph Flemming is concerned about the crest of the hill and how the sight-distance was determined. Wardell suggested that he should sit down with Larry Wagner, Commissioner of Public Work, to get a clear interpretation of how sight-distances are measured. Mr. Flemming feels that the sight-distance creates an unsafe condition where the current *road* egresses that area.
- Bob Miner would like the Planning Board to consider the Character of the Neighborhood issue more thoroughly before making their decision.
- Heather Hanson expressed her concerns about:
 - the ground water resources and the letter, dated May 29, -___ from the DEC in which only general information was conveyed. She would like a third party site-specific investigation plan. The letter stated no impact beyond a short distance. She would like a definition of a short distance.
 - the dry wells in the immediate area and drought conditions and
 - the five separate wells vs. the one well on Mr. Morroni's *property*. She disagreed that five separate wells would impact that area less than one large well,
 - the character of the neighborhood would change because the traffic would increase to a moderate status.
- Sherri Crozier asked about the proposed commercial lighting. Wardell replied that the current zoning law has controls that direct lighting has to be shielded, but even with that aspect of the law it cannot prevent the light glow created by rainy or foggy conditions.
- Joe Rowe commented:

- on the traffic and safety issue in regards to the Character of the Neighborhood and the that this proposed *site plan* intends to bring business traffic that is not serving the community to an otherwise residential neighborhood,
 - that the proposed two-story barn represents a business with business activities unlike the barns now located in the neighborhood. He questioned the size of the barn being proposed to support just a $\frac{3}{4}$ acre nursery business.
 - that he wanted the Board to keep in mind the Character of the Neighborhood, safety, water and the size of the community.
- Mary Ellen Ivers expressed her concern about the statement read that there was no creditable evidence on the part of this Board that this project would adversely effects the quality and aesthetics of the neighborhood. She requested that the Board to keep an open mind to the view of the community. Wardell replied that this Board has spent months weighing the views and comments of the neighborhood. He understands that this project impacts some residents more than others; however, this Board has the responsibility of listening to everyone and adheres to the law.
- Lynn Eusden expressed her concerns about any potential drought and whether the 10,000 gals per day can be monitored. Wardell replied that yes the water can be monitored just as DEC requires records and reports for chemical *use* and will be addressed through a final approval condition. Younge strongly recommends that before this project goes any further in order to determine if this project changes the water quality in any way that anyone with a well should have their well checked at least once a year. This can be done through the Environmental Health Department at no cost.
- Susan Pawlak asked the Board consider County Line Drive with the same consideration as Davenport Road. Wardell replied that Davenport Road is a primary *road*, which will have a natural increase in traffic when communities expand.
- Ron Cunningham commented that:
 - he has seen Mr. Wardell at the *site plan* multiple times, and
 - the probability of having water problems immediately close to their well
 - he will have a direct line of sight from his house to where that proposed pole barn is intended to be placed and that the barn's location seem to be the one constant of the *site plan* and he feels that this is a terribly place to put it. He questioned whether there *may* be an existing well there and that is why this is the proposed site. He suggested *building* the pole barn elsewhere where it would not be in the direct line of sight by the adjoining neighbors.
 - removing *large trees* will cause additional residents to have a direct line of sight.
 - by allowing a business into a residential neighborhood the Character of their Neighborhood will be changed.

There being no further comments, the EAF Part 2 was completed with the exception of item #12, which was deferred until the archeological and OSHPO comments are returned.

Ormiston read a letter received tonight from Ronald L. Peters.

Younge made a motion to extend the meeting for ten minutes; Fleisher seconded the motion. Motion carried.

RESOLUTION P87 -2003

PLANTSCAPE EXTERIOR *SITE PLAN*

TAX *PARCELS* #66.03-1-1 AND 66.03-1-49

Resolution by: Fleisher

Seconded by: Piersimoni

WHEREAS the Planning Board has before it an *application* from Allen Engineering on behalf of Plantscape Exterior and Terry Morroni for review and *approval* of a proposed *site plan* to permit a plant nursery *use* without any retail sales *use* on *lot* B-1 as shown on a series of *site plan* documents by Allen Engineering for Job #01-0261, beginning with the original *site plan* document dated June 13, 2001 and sequentially substituted and replaced by the series of revised *site plan* documents dated July 12, 2001 (withdrawn by applicant's letter dated September 12, 2001), March 26, 2002, June 6, 2002, September 3, 2002, and September 16, 2002, which last dated *site plan* document is the only one now before the Planning Board;

AND WHEREAS the *site plan* dated September 16, 2002 shows a site *lot* composed of *lot* B-1 of the *subdivision* approved in Resolution P58-2002 and within the RU *district* combined and re-subdivided with Tax *Parcel* # 66.03-1-49 within the R1 *district*;

AND WHEREAS the *site plan* dated September 16, 2002 also shows a proposed plant nursery *development* that is a principal business *use* pursuant to chapter 17.12.010 of the *Town* Municipal Code, and without any retail sales comprised of:

1. the growing of plants for removal to an off-site retail sales operation, which will be operated between March and November by one full-time employee and 2-5 seasonal part-time employees during the period from 7 AM to 5 PM Monday through Friday and from 8 AM to 2 PM Saturday, and by one occasional maintenance employee between November and March, and which will be serviced daily during business hours between March and November by 3-5 employee cars and 3-4 light commercial trucks (i.e. pickup trucks and/or 1 ton gvwt stake body trucks), and serviced monthly during business hours between March and November by 2-3 tractor trailer trucks;
2. a site whose southern and western *lot lines* bordering residential properties are substantially tree and shrub lined as a natural visual *barrier*,
3. a steel-sided pole barn covering an area of 72 feet by 104 feet, having a *building height* of 26 feet and located more than 300 feet from the nearest *lot line* shared with an adjoining residential *lot*,
4. a small gravel-surfaced *parking area* along the southeasterly side of the pole barn,
5. an access gravel *road* extending northerly from the *parking area* to the northern *lot line* and thence northwesterly on through *lot* A-3 of the *subdivision* approved in Resolution P58-2002 to connect with the approved proposed public *road* in that *subdivision* that will connect with Davenport Road, and the gravel *road* will be subject to a NYSDEC Article 24 Freshwater Wetland *permit*,
6. no *vehicle* access southerly from the *parking area* on through Tax *Parcel* # 66.03-1-49 to County Line Drive,
7. a 2000 gallon sanitary holding tank near the southwesterly side of the pole barn,
8. an approximately three-quarter acre planting area,
9. a well south of the pole barn for supplying no more than 10,000 gallons per day May through September to a micro-irrigation system for watering plants as needed, which well is located at least 200 feet from the closest *lot line*,
10. NYSDEC wetlands and 100-foot wide wetland *buffer* area protected in accordance with NYSDEC requirements,
11. reserved area along *lot lines* comprising required *setbacks*, *buffer* and transition yard,
12. no removal or disturbance of *large trees* on the site,
13. fertilizers and pesticides stored inside the pole barn in accordance with NYSDEC standards as required by NYSDEC of *applicant* as a *user* certified by NYSDEC,
14. *application* of fertilizers and pesticides applied by "best management practices" being cooperatively developed by *applicant* and Cornell University and in an economical manner to minimize *applicant's* costs and in accordance with NYSDEC standards as required by

NYSDEC of *applicant* as a user certified by NYSDEC,

15. soil, mulch, sand and stone will be stored outside near the pole barn, and
16. a dumpster for solid waste storage will be placed near the pole barn;

AND WHEREAS the replaced *site plan* document dated March 26, 2002 was conditionally accepted as a preliminary plan, but none of the subsequent three *site plan* documents were accepted as a preliminary plan;

AND WHEREAS the *site plan application* was tabled with the *applicant's* consent in Resolution P59-2002 for thorough review and consideration of issues raised in the proceedings of the *application*;

AND WHEREAS one issue raised in the proceedings of the *application* was the requirement of the actual establishment of the proposed public *road* extending from Davenport Road through the R1 *district* and on into the RU *district* to connection with the proposed gravel *road* for access to the *development* site, without which no *approval* of the proposed *site plan* can be given in view of the New York Court of Appeals decision in *City of Yonkers v. Rentways, Inc.*, 304 NY 499 (1952);

AND WHEREAS the Attorney for the Town has advised the Planning Board that the proposed public *road* in the now approved *subdivision* (see Resolution P58-2002) does not become a public *road* until the *Town Board* accepts a deed for it after finding the *road* to have been properly constructed or surety for its construction has been provided;

AND WHEREAS the *Town Board* has not yet accepted a deed for the proposed public *road*;

AND WHEREAS, his memo dated July 30, 2002, William E. Haner has found the information required to be submitted by the *applicant* pursuant to Resolution P20-2002 has been received;

AND WHEREAS, prior to December 1997, the land of the proposed *site plan* and surrounding it was in a RA-1 zoning *district* in which any form of agriculture was permitted as of right without any *site plan* review oversight;

AND WHEREAS the new Zoning Law of December 1997 (now Municipal Code Title 17) placed the land of the proposed *site plan* in the RU *district* with new controls over what business uses (such as plant nursery) were permitted only under *site plan approval*;

AND WHEREAS the Planning Board has reviewed and considered the contents of the following documents received during the proceedings of the *application*:

- 1982 maps by Moody and Associates Inc. of groundwater flow directions and upper *aquifer* level in the vicinity of the land of the proposed *site plan* in Big Flats,
- Incident Report from Ron Cunningham to William Haner
- letter dated May 22, 2001 from Dominion Transmission, Inc.,
- letter dated June 27, 2001 from T. J. Carpenter,
- letter dated July 16, 2001 from NYSDEC Region 8,
- undated memo received July 16, 2001 from Barbara J. Comer,
- memo dated August 2, 2001 from Board of Directors, Davenport Forest & Oakfield Neighborhood Association, Inc.,
- letter dated August 3, 2001 from NYSOPRHP (SHPO),
- letter dated August 6, 2001 from T. J. Carpenter and Betty M. Nelson,
- letter dated August 6, 2001 from Lawrence and Marge Stratton,
- undated memo received August 7, 2001 from Thomas and Christine Zajicek,
- letter dated August 7, 2001 from Ronald L. and Vivian B. Peters,

- document dated August 7, 2001 titled A Review Of Impacts On The Davenport Forest & Oakfield Community,
- petition submitted August 7, 2001 from Davenport Forest and Oakfield Residents containing at least 234 signatures,
- letter dated August 13, 2001 from NYSDEC Region 8,
- letter dated August 17, 2001 from Heather and Benjamin Hanson,
- letter dated August 20, 2001 from NYSDEC Region 8,
- letter dated September 17, 2001 from NYSDOT Hornell,
- letter dated September 17, 2001 from Davenport Forest & Oakfield Neighborhood Association, Inc.,
- statement dated September 18, 2001 from Davenport Forest and Oakfield Neighborhood Association, Inc., but without the “attached spreadsheet” referred to in the statement,
- letter dated September 18, 2001 from Alan T. and Lynnette S. Eusden,
- letter dated September 20, 2001 from NYSOPRHP (SHPO),
- letter dated October 5, 2001 from Davenport Forest & Oakfield Neighborhood Association, Inc.,
- letter dated December 4, 2001 from Davenport Forest & Oakfield Neighborhood Association, Inc.,
- letter dated January 14, 2002 from NYSDEC Region 8,
- letter dated January 22, 2002 from NYSDEC Region 8,
- letter dated February 20, 2002 from Thomas M. and Marie B. Caroscio,
- letter dated February 25, 2002 from Davenport Forest & Oakfield Neighborhood Association, Inc.,
- letter dated April 18, 2002 from Davenport Forest & Oakfield Neighborhood Association, Inc.,
- letter dated May 20, 2002 from Walter N. Nelson, Cornell Cooperative Extension,
- letter dated May 21, 2002 from Plantscape Horticultural, Inc.,
- statement dated May 28, 2002 from Robert E. Bellows,
- letter dated May 29, 2002 from Scott J. Foti, NYSDEC region 8,
- letter dated May 29, 2002 from Terry C. Morroni, Plantscape Horticultural, Inc.,
- statement dated May 29, 2002 from Joe Rowe,
- spreadsheet dated May 29, 2002 from Davenport Forest and Oakfield Neighborhood Association, Inc.,
- letter dated June 14, 2002 from Davenport Forest & Oakfield Neighborhood Association, Inc.,
- letter dated June 27, 2002 from Town of Corning,
- letter dated July 8, 2002 from NYSDOT Hornell,
- memo dated July 9, 2002 from Davenport Forest / Oakfield Neighborhood Association, Inc.,
- letter dated July 25, 2002 from Davenport Forest & Oakfield Neighborhood Association, Inc., with questionnaire results attached,
- letter dated July 25, 2002 from Cheri Crozier,
- letter dated July 26, 2002 from Kent T. Crozier,
- letter dated July 26, 2002 from Bryan and Adele Lanahan,
- letter dated July 28, 2002 from Lynnette Eusden,
- letter dated July 30, 2002 from T. J. Carpenter,
- letter dated July 31, 2002 from T. J. Carpenter,
- memo dated July 31, 2002 from Robert C. & Christine M. Thorberg,
- letter dated August 7, 2002 from NYSDOT Hornell,
- letter dated September 16, 2002 from NYSDEC Region 8, and
- letter dated October 4, 2002 from Davenport Forest & Oakfield Neighborhood Association, Inc.,
- Correspondence from Lee Younge re: Susquehanna River Basin Commission, stating that

Plantscape will be far below the thresholds

- Letter dated December 18, 2002 to Morroni from Wardell
- letter dated January 28, 2003 from Scott & Susan Pawlak
- letter dated February 9, 2003 to Planning Board from Davenport Forest & Oakfield Neighborhood Association and individual residents
- letter dated February 9, 2003 to *Town Board* from Mr. & Mrs. James E. McGinnis
- letter dated February 10, 2003 to Planning Board Chair from Mark W. Watts, *District* Manager, of Chemung County Soil and Water
- letter dated February 10, 2003 from Lee Hanle-Young, as EMC Director to Planning Board Chair to support Chemung County Soil and Water Conservation letter
- letter dated February 11, 2003 from Ronald L. Peters
- EAF Part 2, dated February 11, 2003 completed except for impact on Historic and Archeological resources
- Aerial photo received February 11, 2003 of tax parcel #66.03-1-1 and 66.03-1-49 and surrounding area in 1955
- Aerial photo received February 11, 2003 of tax parcel #66.03-1-1 AND 66.03-1-49 and surround area in 1995 of National Wetland Inventory
- Letter dated February 12, 2003 from Jody M. Allen, PE

AND WHEREAS the Planning Board has reviewed and considered the comments made in regard to the *site plan application* during the meetings of the Planning Board and recorded in the minutes of those meetings, which occurred on the following dates:

June 26, 2001	July 17, 2001	August 7, 2001
September 18, 2001	October 30, 2001	May 7, 2002
May 29, 2002	July 30, 2002;	

AND WHEREAS, in evaluating the submitted documents and making findings, the Planning Board properly should focus on facts, minimize reliance on conjecture and avoid basing findings on assertions of conclusions or suppositions not supported by facts;

AND WHEREAS no decision or action has been made on the Phase 1 archeological survey recommended by NYSOPRHP in the attachment to its letter of August 3, 2001,

AND WHEREAS, in Environmental Impact Review in New York Section 5.12(14), it is noted that such archeological survey should be made before rendering a full environmental determination or declaration of environmental impact when there is no documentation of prior substantial disturbance of the soil of the site that showed no indication of the presence of any archeological resource,

AND WHEREAS the Planning Board does not now have any documentation of prior substantial disturbance of the soil of the site that showed no indication of the presence any archeological resource,

THEREFORE BE IT RESOLVED to take the Plantscape Exterior *site plan application* from the table;

AND FURTHER RESOLVED that the *site plan* document dated September 16, 2002 is accepted as a Preliminary Plan;

AND FURTHER RESOLVED that the Planning Board has now completed an Environmental Assessment Form (EAF) Part 2 except for question 12 concerning Impact on Historic and Archaeological Resources and finding, based on the record of the proceedings in the *application*, no significant potential adverse environmental impact that cannot be mitigated in the 18 categories of impacts other than an impact on historic and archaeological resources,

AND FURTHER RESOLVED, as supplement to the above environmental impact finding, the Planning Board makes the following observations on what it finds to be the most contested environmental issues:

Traffic & Safety

The concern about traffic and safety on County Line Drive has been eliminated in the revised *site plan* dated September 16, 2002 because no *vehicle* access to the site will exist on County Line Drive. Traffic on Davenport Road to and from the proposed business *use* would be going in the reverse direction than residential traffic at peak hour times. The existing configurations of Davenport and Olcott Roads, which are *primary roads*, do not now lend themselves to provide space for children to play or clearly safe shoulders on which to walk and bike without being vigilant about passing *vehicles*. The moderate commercial nature of the *applicant's* trucks are not any more likely to damage Davenport and Olcott Roads than residents' SUVs and vans. Opponent's arguments have failed to establish persuasive evidence of any significant adverse traffic and safety impact

Potable Water Supply

Concerns about the *applicant's* well operation adversely effecting neighboring residential wells are not persuasive. The data presented show the thinly scattered, sometimes seriously affected residential wells to be on higher elevation *lots* away from the *applicant's* site. The anecdotal report of some County Line Drive *lots'* wells having occasional 10 or so a foot of water depth is not clearly suggestive of being further affected by the *applicant's* well. On this latter point, Scott Foti, P.E. with NYSDEC and having hydrological knowledge about Big Flats, wrote in his May 29, 2002 letter that generally wells located in Big Flats at elevations of 900 feet or less (as is substantially the case for *applicant's* and lower County Line Drive wells) are in "valley fill formation of glacial sands which hold very significant quantities of water" and that "properly constructed water wells sunk into this formation can draw a great deal of water with little or no impact on the surrounding groundwater resources beyond a short distance." Mr. Bellows, a professional well driller in this area, expressed a somewhat similar view. While Scott Foti did not define what is his "short distance", it clearly appears that his view is that operation of the *applicant's* well will have little or no impact on surrounding residential well water supply, but that the impact thereon would be by occasional drought conditions. From another point of view, establishing five residential *lots* with private wells on lot B-1 (as some neighbors have suggested would be the better alternative) would, based on average daily gallonage indicated by the Chemung County Health Department, collectively pump almost the same amount as the maximum proposed by the *applicant* for his well.

Fertilizers, Pesticides & Pollution of Ground Water and/or Air

As stated to the Planning Board by Mark Watts, Chemung County Soil & Water Conservation District Manager, and by Lee Younge, Chemung County Environmental Coordinator, abusive *use* of fertilizers and pesticides is more commonly done by residential *property owners* than by commercial applicators. Commercial applicators, such as the *applicant*, are required to be and are certified and controlled under regulations by NYSDEC. Further, commercial applicators *must* keep records for NYSDEC inspection of each pesticide *application* and to make at least annual reports of pesticide *applications* to NYSDEC. Moreover, commercial applicators like the *applicant* have a strong incentive not to *use* unnecessary excessive amounts of these costly materials. According to Edward L. Hanbach, Pesticide Specialist II of NYSDEC Region 8 regarding *applicant* (see letter dated August 13, 2002):

"I have interacted with Mr. Moroni (sic) several times in the past regarding the other nursery/ greenhouse and interior/exterior plantscape businesses that he operates in and around Elmira Heights. I have found him to be a professional and in compliance with all applicable statutes and regulations."

"You will note there are many regulations and statutes that Mr. Moroni (sic) and

Plantscape are required to comply with and have done so to date.”

There is no persuasive evidence of record that the applicant is likely to abusively *use* these chemicals in a manner to contaminate ground water and/or air in the neighborhood of *applicant's* proposed business.

Change in Character of Neighborhood

Aesthetics and character of the neighborhood are often subjective qualities - what one individual likes, another *may* not (even as to color on a house). The *applicant's* proposed pole barn is of a height no higher than the height of typical two-story houses, and is less than the maximum *building height* set by *Town* Municipal Code Section 17.16.020. Admittedly the pole barn will have larger length and width than typical houses, but the pole barn will be mostly located behind a significant tree and shrub line along its *lot line* adjoining existing residential *lots*. The growth of plants in the nursery will be somewhat similar to wild growth of an *undeveloped* field and will be somewhat similar to plant gardens of neighboring residential *lots*. The modest accessory *structures* associated with the pole barn will be even less visible behind the tree and shrub line. The operation of the proposed plant nursery will not include any retail sales operation and it will be a modest level of activity behind the tree/shrub screen. It is instructive to note that a few years ago there operated a greenhouse business nearby on Davenport Road without noticeably affecting the sense of character of the neighborhood. There continues to be well kept old barn *structures* in the neighborhood along Davenport and Olcott Roads without noticeably affecting the desirability of the neighborhood. There is no persuasive evidence of an adverse impact of changing the character of the neighborhood by the proposed pole barn and modest activity level of the proposed business use.

AND FURTHER RESOLVED that, before the Planning Board can make a finding on the question of environmental impact on historic and archaeological resources prior to making a declaration of environmental impact of the proposed action, the *applicant* is required to make the Phase 1 archeological survey recommended by NYSOPRHP and covering the site to the extent requested by NYSOPRHP, and to submit such survey to NYSOPRHP for its determination and communication of impact/effect as noted in its letter of August 3, 2001.

ADOPTED: AYES: Masler, Ormiston, Piersimoni, Younge, Fleisher, McDonald, Wardell

NAYS: none

ABSTAIN: none

ABSENT: none

TOWN OF BIG FLATS PLANNING BOARD

MINUTES OF FEBRUARY 25, 2003

6:30 P.M.
REGULAR MEETING
Conference Room "A"

Present:

Chair - Richard N. Wardell
Mark Fleisher
Carl Masler
Lee McDonald
James Ormiston
Angela Piersimoni
Lee Younge

Guests: Merrill Lynn, Tim Steed, Jamie Gensel, Scott Esty, Joe Rowe, Ed Fairbrother, Ruth Kuhn, Judy Zimmerman

Staff: Chuck Coons, Director of Building Inspection and Code Enforcement

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee.

MINUTES

Ormiston made a motion to accept and approve the minutes of February 11, 2003, seconded by Fleisher. All in favor, motion carried.

JOHN S. POWERS – SPECIAL USE PERMIT - PROJECT ECHO COTTAGE AS *TEMPORARY* SECOND PRINCIPAL DWELLING UNIT TAX PARCEL #98.05-3-31

The Planning Board received an *Application* for a *site plan* approval for a *temporary* second *dwelling unit* to house an elderly parent during a time of illness. The *temporary* second *dwelling unit* is located adjacent to the existing *one-unit dwelling* at 400 Combs Hill Road and shares the existing water, electrical and septic system.

Mr. Coons the Director of Building Inspection and Code Enforcement, presented a Memo to the Board with the following comments:

- On May 22, 2002, a *Building Permit* (BP) #02-76 was issued for a 504 square feet *temporary* manufactured *dwelling unit* on the above parcel.
- On February 20, 2003, Coons, received correspondence from the Chemung County Health Department approving the connection of the *temporary second dwelling unit* to the existing septic on May 21, 2002.
- Since BP#02-76 was issued, no interior inspections have been done to the *temporary dwelling unit* to determine compliance with the New York State Building Code; therefore no *Certificate of Occupancy* has been issued. A recent attempt to inspect the interior of the *temporary dwelling unit* was unable to be performed because of the elderly parent's health.
- The *structure* does not meet the minimum habitable *dwelling* area per unit in the Residential 1 (R1) Zoning *District*.

- Through a discussion with the Attorney for the *Town* it was agreed that an area variance might be an appropriate avenue because it is case specific and would grant relief from the *Bulk and Density Control Schedule*.
- In summation, Coons stated that he would like to find a way to accommodate this man's efforts in taking care of his mother.

The Board discussed several Town Municipal Codes and possible solutions in considering a *site plan* approval and an area variance:

- Title 17.16.050 B Compliance with *density* states there *shall* be no more than one *principal structure* containing a *dwelling unit* on a *lot* except approved under *site plan* review and approval.
 - Wardell commented that when the Director of Building Inspection and Code Enforcement is satisfied with the compliance of the *structure*, he needs to write a recommendation to the Board to consider taking action under Code 17.16.050(b) for the Board to approve this *application* as an additional *dwelling structure* on a *lot* if there was a variance granted by the Zoning Board Appeals (ZBA) with respect to the 1200 sq. ft. minimum habitable space for the *temporary second dwelling unit*.
- Title 17.36.270 requires that a mobilehome as a *dwelling unit shall* bear the seal of the Federal Department of Housing and Urban Development; this *structure* does not bear the seal of the department of HUD. This *structure* does not bear this seal, nor does this *structure* meet the definition of a factory manufactured home. Information from the manufacturer of this style *building* for clarity has been requested.
 - Wardell replied that Title 17, section 36.270 explains that this Board establishes a maximum time limit for a *temporary dwelling unit* based on the needs and circumstances included in the *application* and the maximum time limit *shall* be for three years and than the Planning Board may grant individual one year extensions for a time limit as long as the *applicant* makes a request at least 90 days prior to the expiration of the original time limit.
 - Wardell commented that the Code Enforcement Office needs to provide a statement to *applicant* that this *temporary second dwelling unit* meets the Code. At which time the *applicant* can submit to the Board an area variance to provide a 504 square foot *temporary second dwelling unit* on his *property* and to be used for his elderly parent.
- Title 17.68.010 ...discusses the Planning Board's ability to recommend amendments to the requirements of established *districts*. Coons commented in his discussion with the Attorney for the *Town*, the Attorney did not suggest a Zoning Amendment.
- Younger commented that the *applicant* should not be punished if he proceeded in good faith and was given permission to move the *structure* onto his *property*. Wardell replied that the Board still has to follow the law and that the Code Enforcement Office has the option of canceling the *Building Permit* or ordering the *structure* removed. Coons stated that a *Certificate of Occupancy* would not be issued until a determination as to whether it is a safe *structure*.
- Wardell requested that the minutes reflect that this is an incomplete *application* for a *site plan* and the *applicant* needs to provide the Board with the following:
 - The exact square footage of the *temporary second dwelling unit* and the distance from the principal *dwelling unit*.
 - Documentation that the resident of the *structure shall* only be used for the housing of their elderly parent.

- The *applicant* needs to submit an *application* for an area variance from the Planning Board Secretary and submit a reduction request from the minimum requirement of 1200 square feet to the square footage of the *temporary* second *dwelling unit* and an explanation of the special circumstance in which the variance is requested. The Zoning Board of Appeals (ZBA) can consider the reasonableness of the request. The Planning Board may submit its comments to the ZBA that this can be considered on the basis that this is *temporary* for a specific period of time, renewable annually solely for the purpose of a *temporary* second *dwelling unit* for the *owner* of the principal *dwelling unit* elderly parent during an illness.

Additional comments from the Board:

- Younge questioned as to whether there are cooking facilities in the *temporary* second *dwelling unit*.
- McDonald asked if the Board should consider an area variance with a medical condition and/or a condition of time. Coons replied that medical issues cannot be tied to area variance and that it would have to be considered in the *Site plan* conditions.

Wardell summarized that prior to a formal Area Variance *Application* being received, the Board needs to formulate this *temporary* issue and determine what terms are appropriate for this unique *application*.

1. Should the authorized resident vacate the mobile home without the intention of returning within the period of this Special *Use* Permit, then such period *shall* terminate 90 days after such vacating of the premise.
2. Extension of this Special *Use* Permit may be granted by the Planning Board upon the *Applicant* submitting such a request at least 90 days prior to the expiration of this Permit and in accordance with the *Town* Municipal Code, section 17.36.270(1),

SIMMONS ROCKWELL *SITE PLAN* AMENDMENT TAX PARCEL #67.02-1-2.3

Wardell reviewed and described the proposed resolution as prepared by the Executive Committee. The *site plan* amendment is for a 500 – 1,000 gallon fuel-dispensing tank that has been located at Simmons-Rockwell's reconditioning *building*. Because this tank is located in the floodplain, Chuck Coons, Floodplain Administrator, has been asked by the Executive Committee to submit a written opinion of his view of the location of the above ground fuel tank in the floodplain. Wardell declared that this *application* is incomplete and the proposed conditions were reviewed.

A letter, dated August 13, 2002, from Scott Foti of the NYS Dept. of Environmental Conservation was for the original *site plan application*. In this letter, Mr. Foti recommended that the Planning Board contact Mr. Matt Gillette of the NYS DEC Regional Headquarters in Avon for review of other aspects of this project. James Gensel, Fagan Engineers, representing the *applicant* informed the Board that Matt Gillette only comments on storm-water.

Wardell asked the Board for questions and comments.

- In answer to Younge's question Gensel confirmed that the above ground fuel tank is in place, filled with fuel and in *use* and that the fuel tank is located on a concrete pad and that no fire suppression system is in place because Griffith Oil does not require a fire suppression system.
- Fleisher informed Gensel that the fuel tank has been placed on site without approval and it would be appropriate to have the fuel tank removed because there is no evidence that the fuel tank was ever approved. Gensel replied that Simmons-Rockwell had verbally received

approval to move a fuel tank from the south side of County Route 64 to the north side of County Route 64 from NYS DEC and Carl Carson, the *Town's* Code Enforcement Director at the time. Wardell reminded Gensel that all proposals need to be in writing and that the present Director of Building Inspection and Code Enforcement has the jurisdiction to order the fuel tank removed. The Board has jurisdiction for anything that is not an approved *site plan* concerning the *use* of the land that is different from what is in the approved plan. The above ground fuel tank was not shown in the original *site plan application*.

- The Board asked Gensel if he was aware that a *Building Permit* is required.

Masler asked what is the required *setback*? Gensel replied that the required *setback* is 20 feet and that he would provide this information on a revised drawing. Younge recommended that Gensel contact Scott Rodabaugh, DEC hazardous waste/spills engineer. Younge asked Coons if the tank could be left in place if emptied until the *application* has been completed and discussed how long the process would take.

There being no further comments, the Board proceeded with the resolution.

**RESOLUTION P88-2003
SIMMONS ROCKWELL SITE PLAN AMENDMENT
TAX PARCEL #67.02-1-2.3**

Resolution By: McDonald

Seconded By: Masler

WHEREAS the Planning Board has received an *application* for *Site Plan Amendment* from Fagan Engineers on behalf of Simmons-Rockwell for review and approval of a proposed installation of an above-ground fuel dispensing tank on tax parcel #67.02-1-2.3, commonly known as 785 County Route 64, as shown on page 3 of a revised *site plan* by Fagan Engineers dated January 23, 2003, project #2001-100;

AND WHEREAS the proposed location of the fuel tank is located in the floodplain;

AND WHEREAS a letter dated August 13, 2002 from Scott Foti of New York State Department of Conservation (NYS DEC) Horseheads, regarding the initial proposed *building* project, Mr. Foti stated that jurisdiction for compliance with flood plan *development* "rests with the *Town* of Big Flats"; however, other aspects of the project may be reviewed by Matt Gillette of NYSDEC Avon

AND WHEREAS this Board completed an environmental review for the approved *site plan* with a finding of no significant adverse effect on the environment in Resolution P43-2002;

THEREFORE BE IT RESOLVED that this is an incomplete *application*;

AND FURTHER RESOLVED that the following conditions:

1. provide the gallon capacity of the fuel tank,
2. showing of prior approved *site plan* of the *applicant* for *development* in Big Flats that included an above-ground fuel tank as accessory *use*,
3. written opinion of Big Flats floodplain administrator as to advisability of such tank
4. that this project be submitted to Matt Gillette of NYSDEC Avon and written comments of Scott Foti and Scott Rodabaugh are received.
5. provide the distance between the tank and *building*.

CARRIED: AYES: Piersimoni, McDonald, Masler, Wardell, Ormiston, Fleisher, Younge
NAYS: None
ABSTAIN: None
ABSENT: None

**K.H. BROWN REALTY CORP.
SITE PLAN AMENDMENT
PRELIMINARY PLAN
TAX PARCEL #58.03-1-56**

Wardell reviewed and described the proposed resolution as prepared by the Executive Committee.

Wardell asked the Board for comments or questions, there being no comments, he asked for a resolution.

**RESOLUTION P89-2003
K.H. BROWN REALTY CORP.
SITE PLAN AMENDMENT
PRELIMINARY PLAN
TAX PARCEL #58.03-1-56**

Resolution by: Younge
Seconded By: Piersimoni

WHEREAS this Board has received an *application* for a *Site Plan Amendment* from Hunt Engineers, Architects & Land Surveyors PC, on behalf of K. H. Brown Realty Corporation, for review and approval of the proposed expansion of the existing *Vehicle Sales Use* specifically the repair facility, on tax parcels #58.03-1-56, commonly known as 951 County Route 64 as shown on a *site plan* dated February 2003, project #2111-008;

AND WHEREAS the plans shows a 1,175 square foot addition to the east side of *building* and 1,750 square foot addition to the north side of the *building*;

AND WHEREAS 13 parking spaces will be removed along the east side of the *building* to accommodate the addition;

AND WHEREAS signage indicating one-way vehicular traffic will be installed to accommodate the change in traffic pattern on site;

AND WHEREAS the minimum-yard *setbacks* will be maintained;

AND WHEREAS maximum *lot coverage* of 70% will not be exceeded with these additions, and no additional impervious surfaces will be added;

AND WHEREAS this Board completed an environmental review for the approved *site plan* with a finding of no significant adverse effect on the environment in Resolution P29-97;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for *site plan* amendment approval;

AND FURTHER RESOLVED that action on this *application* remains an Unlisted Action under

6NYCRR and this Board remains the Lead Agency doing an uncoordinated review, and this Board finds that there will be no significant potential adverse environmental impact by the proposed additions;

AND FURTHER RESOLVED that the Preliminary *Site Plan* is approved and accepted as the Final *Site Plan*; and

AND FURTHER RESOLVED that the Final *Site Plan* is approved.

CARRIED: AYES: Younge, Fleisher, Ormiston, Wardell, Masler, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

PLANNING BOARD CHAIRPERSON RECOMMENDATION

This Board would like to recommend to the *Town Board* that Mark Fleisher be appointed Chairperson for the Planning Board for the remainder of Year 2003, beginning March 1, 2003 as the result of the resignation of Richard N. Wardell after twenty-five years of outstanding service.

Edward Fairbrother asked the Board to be recognized. He stated that on behalf of the *Town Supervisor* and the *Town Board* he wants to extend their appreciation for the twenty-five years that Richard N. Wardell has served as Chairperson of the Planning Board. The *Town Board* recognizes the dedication that Wardell has given to the Planning Board over the past twenty-five years. The citizens of Big Flats are losing a good *person* and he hopes that Wardell will stay active in the community.

Wardell commented that he would still be a Big Flats resident and chair of the Regional Food Bank Board of Directors. He appreciated the opportunity and has considered it a privilege and wants to express that the position be handled with care and deliberation. Making the best judgment possible does not always make everyone happy. He thanked the Planning Board members for their support.

RESOLUTION P90-2003

PLANNING BOARD CHAIRPERSON RECOMMENDATION

Resolution By: Piersimoni

Seconded By: Younge

WHEREAS Mark Fleisher has dutifully served as a member of the Planning Board and as Vice-chairman;

AND WHEREAS he has agreed to serve as Chairperson of the Planning Board for the remainder of the Year 2003.

BE IT THEREFORE RESOLVED that the Planning Board recommends that the *Town Board* appoint Mark Fleisher as Chairman of the Planning Board for the remainder of the Year 2003 beginning March 1, 2003.

CARRIED: AYES: Younge, Ormiston, Wardell, Masler, McDonald, Piersimoni

NAYS: None

ABSTAIN: Fleisher

ABSENT: None

TOWN MUNICIPAL CODE TITLE 17 ZONING REVISION

Wardell introduced and reviewed the final draft of the revisions to Title 17 Zoning of the *Town Municipal Code*. Wardell proceeded to rough out a verbal resolution for the Board to consider.

Proposed Resolutioo P__-2003

WHEREAS the RU Committee after consultation with the *Town Board* and *County* Officials has presented the Planning Board with the document of revised text for Title 17 of the *Town Municipal Code*, dated February 25, 2003.

WHEREAS this is a Type I action and that this matter be referred by the *Town Board* to the Planning Board conducted an EAF Part 2 and determined that there will be no significant adverse environmental impact caused by any proposed changes.

The *Town Board* is the Lead Agency and for the purposes of providing a recommendation to the Lead Agency the following can be said about the environmental review. That there will be no significant potential adverse environmental impact by any of the pro-co changes and this is in considering an EAF Part 2. (WARDELL REVIEWED THE EAF PART 2)

Wardell commented there are a number of simple editorial changes. Particular changes in definition were added to make things more understandable and add more control in the *uses*.

FURTHER BE IT RESOLVED that the Planning Board recommends to the *Town Board* its adoption of the environmental review conclusion and recommends the enactment of these revisions to Title 17 of the *Town Municipal Code*.

Ormiston's request; that he would like to see private colleges or business technical *schools* identified under the ABD Zoning *District uses*. Wardell asked Piersimoni if she would like to comment to Ormiston request to change the Title 17 document at this time. Piersimoni replied that the follow-up committee has been assigned to handle further changes in the zoning law. Gensel commented that the *Town Board* will be having a public hearing and at that time the it provide its point of view and how it should be handled. Wardell summarized that more thought is required and handled under the follow-up committee. Wardell asked if the Board wanted to move to a resolution. No response; therefore, the Board moved to the member comments segment.

MEMBERS COMMENTS

- The Board Members expressed thanks to Wardell for his many years of service.
- Wardell wished Mark Fleisher well and understands the responsibility the position entails.
- Merrill Lynn, former Town Supervisor, reminded Wardell that twenty-five years ago he predicted that as Chairperson, Wardell would have a greater impact in the history of the Town than the *Town Board*. The *Town Board* deals with people, but the Planning Board deals with what is going to happen both historically and geographically and Mr. Lynn continued with best wishes for Mark Fleisher.
- Wardell commented that he would not be actively involved in the Planning Board or any follow-up committees. He has however offered his services to the Director of Building Inspection and Code Enforcement on an ad hoc basis. He feels that he is leaving some of his wisdom with dealing with difficult *applications*. His experience has taught him to know and

follow the law while weighing and balancing all the relevant facts and applies what is reasonable and necessary.

- Coons expressed his appreciation for the short time he has been associated with him.
- Coons notified the Board that there is Land *Use* and Zoning Board overview training available from the state. Unfortunately, the meetings are being held tonight and tomorrow night in Bath.
- The Planning Board has received a packet that on April 10, 2003, The 7th Annual STC Regional Leadership Conference will be held at Corning Community College. Planning Board members are urged to submit their *application* for attendance for this conference to the Planning Board Secretary.
- Coons will provide information on a session that will be held in Owego, on March 13, 2003, for Adopting and Amending Zoning Issues.
- Younge reminded that Southern Tier Central would be having a session on Storm Water Management Procedures.
- Wardell expressed to all of the Planning Board members that that training courses are necessary for their *development* on the Planning Board. .
- Ormiston reminded the secretary that he would be unable to attend possibly the next two Planning Board meeting because he will be out of Town until April 14, 2003.

Meeting adjourned at 9:47 P.M.

Respectfully Submitted
Nancy Van Maarseveen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF MARCH 18, 2003**

6:30 P.M.
REGULAR MEETING
Main Conference Room

Present:

Chair - Mark Fleisher
Angela Piersimoni
Carl Masler
Lee McDonald
Lee Younge
Absent - James Ormiston

Guests: Jamie Gensel, Howard Phillips, Ron Lerner, Marie Caroscio, Bob Butcher, John Kotch, Chris Resig, Mary Ann Balland, Janet Ross

Staff: Chuck Coons, Director of Building Inspection and Code Enforcement

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee. Fleisher noted that the Bock *Subdivision* has been withdrawn.

MINUTES

McDonald made a motion to accept and approve the minutes of February 25, 2003, seconded by Younge. All in favor, motion carried.

**FOOD BANK OF SOUTHERN TIER
SITE PLAN AMENDMENT
TAX PARCEL # 58.03-1-52**

Fleisher described the *site plan* amendment and noted that this proposed resolution, if accepted and approved, could be accepted as a Final Plan. Fleisher asked if there are any questions or comments.

Masler asked if the *sign* would be illuminated: Coons, Director of Building Inspection and Code Enforcement, commented that the *applicant* has indicated that in the future they may consider illuminating the *sign*. Janet Ross of Ross Design, representing the *applicant*, described the *sign* as individual letters and the only illumination being considered in the future is directional spotlights from overhead. The Board having no further questions or comments proceeded to adopt the proposed resolution.

**RESOLUTION P91-2003
FOOD BANK OF SOUTHERN TIER
SITE PLAN AMENDMENT
TAX PARCEL # 58.03-1-52**

Resolution by: Piersimoni
Seconded by: McDonald

WHEREAS the Planning Board has received an *application* from Paul Hesler, Food Bank Director on behalf of Catholic Charities of the Southern Tier, for an amendment of the approved *site plan* as set

forth in Resolution P48-93 to *permit* in the Business Regional (BR) *District*,

AND WHEREAS the *applicant* is requesting 262.5 square feet of signage to be located on the west elevation of the *building*, which total square footage of the side is 2,736 sq. ft.;

AND WHEREAS, pursuant to the Town Municipal Code Section 17.52.050 D, the maximum permitted *sign area* of a *façade sign* in the BR *District* for a business *use* is the lesser of 10% of the area of the side of the *building* the *sign* is installed on, or 350 square feet, located only on the side of the principal *building* that faces the *road* (County Route 64);

AND WHEREAS the west elevation does not face a *road* and a condition in Resolution P48-93 required any deviation from the *sign* code be approved by the Planning Board;

THEREFORE BE IT RESOLVED that the documents presented in this *application* for *site plan* amendment approval are accepted as a Preliminary Plan;

AND FURTHER RESOLVED that action on this *application* remains an Unlisted Action under 6NYCRR and this Board remains the Lead Agency doing an uncoordinated Review, and that this Board finds that there will be no significant potential adverse environmental impact based on the review of the Short Environmental Assessment Form of SEQRA completed by this Board and based on the facts noted above;

AND FURTHER RESOLVED that the Preliminary *Site Plan* is approved and accepted as the Final *Site Plan*; and

AND FURTHER RESOLVED that the Final *Site Plan* is approved.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Masler, Younge

NAYS: none

ABSTAIN: none

ABSENT: Ormiston

SIMMONS ROCKWELL SITE PLAN AMENDMENT WORKSHOP TAX PARCEL #67.02-1-2.3

Fleisher described and reviewed the proposed resolution. He noted that the previous Resolution P88-2003 stated that this *application* was incomplete and called for five conditions to be met by the *applicant*. To date only two of these conditions have been met. Since Resolution P88-2003, the Board received a letter, dated March 13, 2003, from Scott Foti of the New York State Department of Environmental Conservation (DEC) stating that in his opinion the fuel tank is located in the floodway of Sing Sing Creek. Therefore, the tank is illegally placed and presents a risk of being displaced by floodwaters during future high water events. This could result in a petroleum release to the environment. He stated that in his opinion to be in compliance and safe, the tank should be relocated out of the floodway, preferably on the south side of County Route 64, securely anchored to the ground and raised above the 100-year flood elevation.

Coons made the following request based on the letter received from Scott Foti's

- That the *applicant* empty the fuel tank immediately, and
- that a meeting with Scott Foti, James Gensel Fagan Engineers representing the *applicant*, and himself be arranged as soon as possible.

The Board discussed the following:

Younge asked if the *applicant* had an approval for the fuel tank when it was located on the south side of County Route 64 and why the *applicant* moved across the *road* without approval. Gensel replied that he had received a verbal approval from Carl Carson, the previous Director of Building Inspection and Code Enforcement, and that Scott Foti verbally accepted the fuel tank as long as it is located above the floodplain.

Gensel explained that the project drawings show a base-flood elevation in that area of 932.55. And that based on these drawings the tank elevation is at 933. Therefore, according to his drawings the tank is above the base flood elevation. Coons agreed that the maps are not a true science and that if the fuel tank is by number located out of the floodway potential, it would take a 500-hundred year flood to do any damage and recommends these maps be revised. Masler recommended that the fuel tank be emptied while the determination is being made.

Gensel commented that he would like to meet with Scott Foti prior to completing the five conditions set in Resolution P88-2003. Fleisher reminded Gensel that regardless of the letter received from DEC, this tank was placed illegally on this site. Younge agreed that the tank needed to be emptied if there is any possibility of negative repercussions to the *Town*. Fleisher asked Coons to arrange a meeting between Scott Foti, Gensel and the *Town*. Coons felt that Monday would be possible because he will be giving notice to the *applicant* for the draining of the fuel tank no later than March 20, 2003.

McDonald asked if the retention pond was located near the creek. Gensel replied that it is located between the creek and this project and that fill has already been removed. Until the Board has had time for further review, the applicant is advised to take no further actions without approval.

RESOLUTION P92-2003
SIMMONS ROCKWELL SITE PLAN AMENDMENT
TAX PARCEL #67.02-1-2.3

Resolution By: Younge
Seconded By: Masler

WHEREAS the Planning Board has received an *application* for *Site Plan Amendment* from Fagan Engineers on behalf of Simmons-Rockwell for review and approval of a proposed installation of an above-ground fuel dispensing tank on tax *parcel* #67.02-1-2.3, commonly known as 785 County Route 64, as shown on page 3 of a revised *site plan* by Fagan Engineers dated January 23, 2003, project #2001-100;

AND WHEREAS in Resolution P88-2003, there were five conditions to be met by the *applicant*;

AND WHEREAS comments have been received from Scott Foti of New York State Department of Environmental Conservation (NYS DEC) stating that the location of the fuel tank is in a floodway, not a floodplain, and he is recommending that the fuel tank be relocated out of the floodway;

THEREFORE BE IT RESOLVED that the *application* is tabled and that Simmons-Rockwell *shall* be ordered by the Code Enforcement Office to drain the fuel tank immediately and that the fuel tank be left empty until approval has been granted;

AND FURTHER RESOLVED that the five conditions in Resolution P88-2003 be met by the *applicant*.

CARRIED: AYES: Younge, Masler, Fleisher, McDonald, Piersimoni

NAYS: none
ABSTAIN: none
ABSENT: Ormiston

SYNTHES (USA)***SITE PLAN – WORKSHOP SESSION******TAX PARCELS #57.01-1-28.13 & 57.02-1-69***

The Planning Board has received an *Application* for *site plan* workshop from Fagan Engineers on behalf of SYNTHES (USA).

James Gensel, Fagan Engineers, representing the *applicant*, introduced Ron Lerner, the Plant Manager, and Howard Phillips, the Facilities Manager of SYNTHES (USA).

SYNTHES (USA) is proposing the *development* of a manufacturing facility for medical equipment to be constructed in two phases with an anticipated total *footprint* of up to 125,000 square feet.

The facility is proposed to be located at Sing Sing Road and Yawger Road adjacent to *Airport Road* (County Road 43), as shown on concept plans provided by Fagan Engineers, dated 12/01/02, project no. 2001.110. The site is located in the *Airport Business District* (ABD), and presently consists of open vacant grassland. *Airport Road* will be extended by Chemung County and will provide access to the proposed site. Fleisher asked Gensel if the plant could operate if the *Airport Road* Extension is not been completed by their timetable. Gensel replied that a *temporary road* could be built.

Fleisher asked Gensel what the *applicant's* proposed timetable is for the *site plan*. Gensel replied that the *applicant* is in the process of hiring an architect to determine the total square footage of the *building*. As soon as construction drawings have been received, the *applicant* would like to start Phase I. The *applicant* anticipates occupying the plant by the end of the year 2003. Gensel requested that in order to occupy the plant by the end of year 2003 a reduction in lead-time for submittal of drawings be considered. The Board requested and the *applicant* agreed to submit elevation drawings of similar facilities.

Gensel stated that the only environmental impact issues would be the wetland and drainage. Mr. Lerner commented that the company is very environmentally conscious. The storm water management will be designed to the new DEC standards and delineated wetland will be with a 100-foot *buffer*. The green space would be dedicated to drainage. The new requirements include water quality that cannot be obtained through detention alone. Therefore, there will be pooling areas and these areas over time will become wetlands. It was noted that public water and sewer will be available to the site via a *County* project for the *airport* and surrounding *airport* area. Piersimoni asked if any disposal of hazardous waste has been reported on the site. Gensel replied that there is no history of any hazardous waste but no research has been done.

Gensel commented that traffic is not expected to be an issue because SYNTHES operates on a different time schedule. Mr. Lerner explained that the first shift starts at 6:00 a.m. and the second shift starts at 2:00 p.m. The two shifts would include 300 plus possible employees and administration personnel. Gensel informed the Board that Fagan Engineers has completed a traffic study of the site and will submit it to the Board for review. Fleisher commented that upon receipt of Fagan's Traffic Study, the Board would review and determine as to whether the Board will require an independent traffic study. Gensel commented that there is talk about closing Yawger Road because of sight distance problems and if that should this occur, 8 – 12 residents would be affected.

Younge suggested that the *applicant* consider being innovative in its *parking lot* design especially considering the *parking lot* would consist of 300 plus *parking* spaces. She suggested using green space in the *parking lot* not just for aesthetics but also to aid drainage. Gensel commented that from a maintenance concern the *applicant* is considering berms to hide the *parking* surface from *road* view.

Masler asked whether the proposed extension is a *County Road* and whether the *parking lot* could be placed in that area. Gensel replied that the land indicated is owned by the *County* and is being used for maintenance and rental *property*. He also explained that the Sing Sing Road *airport parking lot* might be moved away from the *airport* because of security concerns.

Coons inquired with several questions and comments:

- Coons asked if the *parking* area that enters the site and turns to the left is for employees or visitors. Gensel expects that this area will change location from what was illustrated on the drawings submitted.
- Coons asked if the proposed design expects all the traffic to pass through the same direction. He is concerned how the stacking of the 200 – 300 cars leaving the *parking lot* would be handled. Gensel replied that they would have good stacking throughout the *parking lot* and an improvement at that intersection is expected through a DOT grant that includes a *traffic control device* at the intersection of *Airport Road* and Sing Sing Road.
- Coons asked if more than one access point has been projected for *parking*. Gensel replied that more than one access point is not recommended because *Airport Road* Extension is a little tight to enter.
- Coons asked about the truck *loading* area the and expressed his concern of discharging trucks on Sing Sing Road a few hundred feet down from *traffic control device*. Fleisher asked what is the expected volume of truck traffic. Mr. Lerner replied that there would be two to three deliveries a day, mostly UPS deliveries. Occasionally, the company trade equipment between sites on flatbed semi but this only happens about every 2-3 months.

Younge asked about the *applicant's* security and *outdoor lighting* plans.

- Mr. Lerner replied that the *outdoor lighting* that their West Chester Plant has, that is also near an *airport*, has lights on 20-foot poles that are shielded to prevent upward glare. The security consists of employees carrying a card for access.

At the close of the workshop, Mr. Lerner distributed SYNTHES product brochures to the Board.

TOWN MUNICIPAL CODE TITLE 17 ZONING REVISION

Fleisher reviewed the proposed resolution. He asked the Board for questions or comments, there being none, he asked for a resolution.

RESOLUTION P93-2003

TOWN MUNICIPAL CODE TITLE 17 ZONING REVISION

Resolution By: Younge

Seconded By: Piersimoni

WHEREAS the RU Committee after consultation with the *Town Board* and County Officials has presented the Planning Board with the document of revised text for Title 17 of the *Town Municipal Code*, dated February 25, 2003;

AND WHEREAS that, for SEQRA Environmental Review pursuant 6NYCRR617, this is a Type 1 action and the *Town Board* will be the Lead Agency, with the Planning Board providing the following findings based on the review of the EAF Part 2;

- there are a number of simple editorial changes. Changes in definition were made to make things more understandable and add more control in the *Use Requirement Table*. The changes that were substantive in nature are likely not to have an adverse impact on the environment.

THEREFORE BE IT RESOLVED that there will be no significant adverse environmental impacts caused by any proposed changes;

AND FURTHER RESOLVED that the Planning Board recommends to the *Town Board* its adoption of the environmental review conclusion and recommends the enactment of the revisions to Title 17 of the Town Municipal Code.

CARRIED: AYES: Younge, Masler, Fleisher, McDonald, Piersimoni
 NAYS: none
 ABSTAIN: none
 ABSENT: Ormiston

PLANNING BOARD VICE-CHAIRPERSON FOR YEAR 2003

Fleisher noted that he had asked Angela Piersimoni if she would agree to serve as the Planning Board Vice-Chair for the remainder of the Year 2003. Piersimoni agreed to serve. Fleisher asked if there was any discussion in regard to this matter, there being none, asked for a resolution.

RESOLUTION P94-03 PLANNING BOARD VICE-CHAIRPERSON FOR YEAR 2003

Resolution by: McDonald
 Seconded By: Masler

WHEREAS Planning Board member, Angela Piersimoni, has agreed to serve as the Planning Board Vice-Chairperson for the remainder of the Year 2003.

BE IT THEREFORE RESOLVED that this Board appoints Angela Piersimoni as Vice-Chairperson for the Planning Board for the Year 2003.

CARRIED: AYES: Younge, Masler, Fleisher, McDonald
 NAYS: none
 ABSTAIN: Piersimoni
 ABSENT: Ormiston

EXECUTIVE COMMITTEE MEMBERSHIP

Fleisher announced pursuant to Rule 2A of the Planning Board Rules, he was appointing Lee Hanle-Younge as the third member of the Executive Committee for the remainder of the year 2003. He noted that any Board member as well as the public is welcome to attend any meeting of the Executive Committee.

MEMBERS COMMENTS

- There have been a total of three *applications* submitted for the one position on the Planning Board. The deadline for submittal is Thursday; therefore, Fleisher suggested that a meeting be scheduled Friday for interviews.
- Fleisher thanked Angela Piersimoni, James Ormiston and Richard Wardell for their work on the RU Committee.
- Masler thanked the Planning Board for the dish garden sent to his family for the death of his father.
- Coons would like to discuss with the Executive Committee the workshop idea. He commented that the workshop idea worked well in his previous position. In his discussion with a representative of the state concerning the workshop, she recommended maintaining minimal minutes; however, the discussion would be non-binding. Fleisher suggested that the workshop format be added to the Planning Board Rules. At whose discretion is a workshop? Is the Board bound to grant a workshop. Gensel commented that the concept plan was originally scheduled in place of the workshop. Fleisher expressed that too many workshop requests could take up the Planning Board's time without the *applicant* being committed. Fleisher suggest limits on workshops and time allowed.

Meeting adjourned at 8:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF APRIL 8, 2003**

6:30 P.M.
REGULAR MEETING
Conference Room "A"

Present:

Chair - Mark Fleisher
Angela Piersimoni
Carl Masler
Lee McDonald
Lee Younge
Absent - James Ormiston

Guests: Chuck Coons, Ruth Kuhn, Scott Esty

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee.

MINUTES

Younge made a motion to accept and approve the minutes of March 18, 2003, seconded by Piersimoni. All in favor, motion carried.

**SIMMONS ROCKWELL SITE PLAN AMENDMENT
TAX PARCEL #67.02-1-2.3**

Fleisher described the resolution as proposed by the Executive Committee that recommended that the Board continue the tabling of Resolution P92-2003 which states that this *site plan application* remain tabled until a revised *site plan* is submitted prior to the relocation of the fuel tank.

Chuck Coons, Director of Building Inspection and Code Enforcement, informed the Board that a meeting with Mr. James Gensel, Fagan Engineers, representing the *applicant*, Mr. Scott Foti of New York State Department of Environmental Conservation (NYS DEC) and himself was held to discuss the tank's relocation out of the floodway. In response to Younge's question, Coons informed the Board that the *applicant* has emptied the fuel tank and has agreed to relocate the fuel tank.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P95-2003
SIMMONS ROCKWELL SITE PLAN AMENDMENT
TAX PARCEL #67.02-1-2.3**

Resolution By: McDonald
Seconded By: Masler

WHEREAS the Planning Board has received an *application for Site Plan Amendment* from Fagan Engineers on behalf of Simmons-Rockwell for review and approval of a proposed installation of an above-ground fuel dispensing tank on tax *parcel* #67.02-1-2.3, commonly known as 785 County Route 64, as shown on page 3 of a revised *site plan* by Fagan Engineers dated January 23, 2003, project #2001-100;

AND WHEREAS in Resolution P88-2003, the following five conditions are to be met by the *applicant*;

1. provide the gallon capacity of the fuel tank,
2. showing of prior approved *site plan* of the *applicant* for *development* in Big Flats that included an above-ground fuel tank as accessory *use*,
3. written opinion of Big Flats floodplain administrator as to advisability of such tank
4. that this project be submitted to Matt Gillette of NYSDEC Avon and written comments of Scott Foti and Scott Rodabaugh are received.
5. provide the distance between the tank and *building*.

AND WHEREAS a letter dated March 13, 2003, has been received from Scott Foti of New York State Department of Environmental Conservation (NYS DEC) stating that the location of the fuel tank is in a floodway, not a floodplain, and he is recommending that the fuel tank be relocated out of the floodway;

AND WHEREAS that the *applicant* has agreed to relocate the fuel tank from the floodway to another location on the lot and will submit revised drawings at the next meeting of the Planning Board;

THEREFORE BE IT RESOLVED that the application for *site plan* review and approval continues to be tabled until a revised *site plan* is submitted prior to the relocation of the fuel tank.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Masler, Younge

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

PLANNING BOARD MEMBER VACANCY

Fleisher reviewed the decision of the Board to appoint Scott Esty, as a member of the Planning Board. The Planning Board's recommendation to appoint Scott Esty has been placed on the April 9, 2003 Town Board Agenda.

RESOLUTION P96-2003

PLANNING BOARD MEMBER VACANCY

Resolution by: Piersimoni

Seconded by: Younge

WHEREAS the Planning Board currently has one vacancy.

AND WHEREAS an advertisement was placed in the Elmira Star-Gazette of the need for candidates for membership on this Board,

AND WHEREAS this Board has conducted interviews of the candidates, who submitted letters of interest in being a member of the Planning Board and appeared before the Board for these interviews.

BE IT THEREFORE RESOLVED that the Planning Board recommends to the Town Board the appointment of Scott Esty as a member of the Planning Board to fill the unexpired term

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Masler, Younge
NAYS: None
ABSTAIN: None
ABSENT: Ormiston

**TOWN OF BIG FLATS APPLICATION FOR PLANNING BOARD REVIEW (PB-2)
ADOPTION OF NEW FORM**

Fleisher reviewed with the Board the new Application Form for Planning Board Review presented by Coons. Younge suggested that a line for e-mail addresses be included on the document and that SEQR Type not be determined by the applicant, but upon review by the Planning Board. The Form was modified to reflect several changes and adopted.

**RESOLUTION P97-2003
TOWN OF BIG FLATS APPLICATION FOR PLANNING BOARD REVIEW (PB-2)
ADOPTION OF NEW FORM**

Resolution by: Younge
Seconded by: McDonald

WHEREAS the Board has by Resolution P7-95 adopted the Town of Big Flats Application for Planning Board Review Form PB-2.

AND WHEREAS the Board has reviewed and approved the amended Town of Big Flats Application for Planning Board Review Form PB-2.

THEREFORE BE IT RESOLVED that this Board accepts and approves the amended PB-2 Form to be adopted to replace any and all PB-2 Forms, effective immediately.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Masler, Younge
NAYS: None
ABSTAIN: None
ABSENT: Ormiston

MEMBERS COMMENTS

- Piersimoni asked Coons about the status of the letter from the Davenport Forest & Oakfield Neighborhood Assoc., Inc. to Larry Wagner, Commissioner of Public Works, and Chuck Coons. Coons replied that the Attorney for the Town, Thomas W. Reed III, drafted a letter of response; however, Wagner and Coons have not had an opportunity to critique the draft. Younge asked Coons what is the present status of the project. Mr. Morroni is still in the process of acquiring an Archeological Study as previously determined in Resolution P87-2003.
- Younge asked Coons about the status of the parking concern with the Big Flats Medical Campus. Coons replied that the attorney for the *applicant* and the attorney for the adjoining property owner are in the process of reviewing the concern.
- Piersimoni asked Coons if Pharmacy *use* could be added to Town Center (TC) *district* in the revised Title 17 after the Board adopted the latest version. Coons replied that the Town Board as a legislative Board would recognize it as an addendum to what was adopted.

- Coons asked the Board to consider establishment of an Architectural Review Committee. He also relayed an experience he observed in Erwin where Public Hearings are held at every Planning Board Meeting. Younge asked about Erwin's Sign Ordinance and whether our Sign Ordinance could be improved. Also discussed were the unsightly dumpsters located in the back of the malls facing the New York State highways etc. Fleisher asked who would comprise the Architectural Review Committee. Coons would look into the process that Erwin uses.
- Younge asked about how previously approved applications could be readdressed for aesthetics, e.g.: Airport Corporate Park.

Meeting adjourned at 7:01 P.M.

Respectfully Submitted

Nancy Van Maarseveeen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF APRIL 29, 2003**

6:30 P.M.
REGULAR MEETING
Main Conference Room
1st Floor

Present:

Chair - Mark Fleisher
Angela Piersimoni
Carl Masler
Lee McDonald
Lee Young
James Ormiston
Scott Esty

Guests: James Gensel, Ruth Kuhn, Joseph Oscodol, Dr. Sheilch Qadeer, Marie Caroscio,
Duane Gardner (*Town Board Member*),
Chuck Coons (Director of Building Inspection and Code Enforcement)

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee.

MINUTES

The Board agreed to the request by Ormiston that the minutes reflect the five conditions referring to Simmons-Rockwell fuel tank installation in the April 8, 2003 Minutes. Young made a motion to accept and approve the minutes of April 8, 2003, seconded by Masler. Fleisher, Piersimoni, Masler, Young and Esty were in favor, Ormiston abstained, McDonald was absent for this vote, motion carried.

**SIMMONS ROCKWELL SITE PLAN AMENDMENT
FUEL TANK INSTALLATION
TAX PARCEL #67.02-1-2.3**

Fleisher reviewed the revised *site plan* that showed the relocated fuel tank out of the floodway as requested by a letter dated March 13, 2003 from Mr. Scott Foti, New York State Department of Environmental Conservation (DEC). Mr. Foti accepted the new location on the north side of *County Route 64* in the northeastern corner of the paved area, in a letter dated April 24, 2003.

The five conditions as set in Resolution P95-2003 were reviewed.

1. The *applicant* provided that the capacity of the fuel tank as 2,000 gallons.
2. The *applicant* agreed that no approval for the original location of the fuel tank on the south side of *County Route 64* was ever submitted.
3. In a Memo dated 4/24/03, Chuck Coons, Floodplain Administrator, concurred with Scott Foti's decision. However, Coons requested that a condition be added to meet the New York State Building Code that requires a 15-foot distance separation from fuel tank to the property line.
4. Letter from Scott Foti as previous noted.
5. The condition to set a distance between the tank and the *building* is no longer necessary because the fuel tank is no longer located near to the *building*.

Coons distributed additional information from the Town Municipal Code 17.36.190 *Vehicle filling stations...* Section 3 States that fuel dispensing devices *shall* be located at least thirty-five (35) feet from any *front lot line* and fifty (50) feet from any side or rear *lot line*. This distance *shall* be measured from the outer most edge of the fuel island *structure*. James Gensel, Fagan Engineers, representing the *applicant*, commented that the *applicant* has agreed to move the fuel tank and that a 50-foot *setback* would not present a problem.

Fleisher reviewed with the Board three options: (1) the Town Municipal Code states that the Board has the option to waive any requirements per Chapter 17.32.050 or (2) condition that the tank be moved the appropriate number of feet or (3) table the proposed resolution and have the *applicant* submit a revised amendment.

Ormiston asked if a 50-feet *setback* would create a hazard by placing the fuel tank in a higher traffic area and the possibility of a car backing into the tank. Gensel replied that the tank would be protected with a fence. In reply to Esty's question as to how the fuel tank will be used, Gensel replied that a fuel pumping system would be attached to the tank. Masler expressed a concern that a fuel spill could present a danger to adjacent properties. A condition was added to reflect the 50-feet *setback*, that the fuel tank be elevated above the 100-year flood elevation and be anchored securely in place. The Board requested that the *applicant* submit a revised drawing, reflecting the changes. There being no further discussion, Fleisher asked for a resolution.

RESOLUTION P98-2003
SIMMONS ROCKWELL SITE PLAN AMENDMENT
FUEL TANK INSTALLATION
TAX PARCEL #67.02-1-2.3

Resolution By: Younge
Seconded By: Piersimoni

WHEREAS the Planning Board has received an *application for Site Plan Amendment* from Fagan Engineers on behalf of Simmons-Rockwell for review and approval of a proposed installation of an above-ground fuel dispensing tank on tax *parcel* #67.02-1-2.3, commonly known as 785 County Route 64, as shown on page 3 of a revised *site plan* by Fagan Engineers dated January 23, 2003, project #2001-100;

AND WHEREAS the fuel tank is presently installed in the floodway behind the *building* and the *applicant* has submitted a revised landscape and *site plan* dated 4/10/03 showing the relocation of the 2,000 gallon fuel tank to the east side of the *property*, 10 feet from the *property* line,

AND WHEREAS Scott Foti of New York State Department of Environmental Conservation (NYS DEC) has reviewed the relocation site and has submitted correspondence to the *Town* dated April 24, 2003 approving the new location;

AND WHEREAS Chuck Coons as Flood Plain Administrator has submitted a memo dated 4/24/03 that he concurs with the decision with Mr. Foti. However, the New York State Building Code requires a 15-foot distance separation from the fuel tank to the *property* line;

AND WHEREAS in Resolution P88-2003 there were five conditions set by the Planning Board to be met by the *applicant*, three of which have been met, those being the gallon capacity of the fuel tank, correspondence from DEC and correspondence from the Flood Plain Administrator;

AND WHEREAS the *applicant* stated that condition two could not be met because there was no prior approval of the original location of the fuel tank on the south side of County Route 64;

AND WHEREAS the Planning Board exercises its option and Town Municipal Code 17.32.050 and waives the requirement of condition five requiring the distance between the tank and the *building*;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for *site plan* amendment approval;

AND FURTHER RESOLVED that action on this *application* remains an Unlisted Action under 6NYCRR and this Board remains the Lead Agency doing an uncoordinated review, and this Board finds that there will be no significant potential adverse environmental impact by the proposed relocation of the tank;

AND FURTHER RESOLVED that the Preliminary *Site Plan* is approved and accepted as the Final *Site Plan*; and

AND FURTHER RESOLVED that the Final *Site Plan* is approved with the following condition:

- The fuel tank be located at a minimum of fifty (50) feet from the easterly *property* line,
- The tank is to be elevated above the 100-year flood elevation and to anchored securely in place.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, McDonald, Piersimoni

NAYS: none

ABSTAIN: none

ABSENT: none

**SIMMONS ROCKWELL
SITE PLAN AMENDMENT
ADDITION TO THE RECONDITIONING BUILDING
TAX PARCEL #67.02-1-2.3**

Fleisher described and reviewed the proposed resolution as prepared by the Executive Committee. During the May 29, 2002 Planning Board Meeting, it was discussed that "If the intent is to have customers crossing the street, this must be reflected in the traffic analysis." The Traffic Study did not address the pedestrian traffic going to and from one side of County Route 64 to the other. The *applicant* feels that because the *application* is a distinct and a separate dealership, the likelihood of pedestrian traffic would be minimal. The Board discussed how pedestrian traffic could be mitigated. Younge asked who would be liable if the Board does not address this issue. Ormiston reminded the Board that County Route 64 is a *County Road*; therefore, the *County* has the responsibility to address the pedestrian impact issue. Esty suggested that the speed limit be reduced from 45 mph to 30 mph beginning at the crest of the overpass bridge immediately west of the project site. Younge suggested a cross walk across County Route 64 be considered, but pointed out that the dealership has evening hours.

Based on the discussion, Gensel affirmed that he would submit a written request to the *County* for a cross walk and a reduction in the speed limit on County Route 64. His correspondence would include the Planning Board's concern about pedestrian traffic between the two dealerships and whether mitigation is possible. On receipt of written reply from the *County*, the Board would ask the Attorney for the *Town* to review the *application*.

Coons questioned as to whether the Traffic Impact Study reflected test-driven vehicles. Gensel replied that the Study does include these vehicles. Esty asked if there would be enough space to put a turning lane on County Route 64. Gensel replied that there is just enough room (10 feet). Coons recommended that the *County* be encouraged to address the turning lane issue. Younge recommended that Coons and/or a Planning Board member attend the *County* Planning Board to discuss some of the *Town's* concerns.

Masler expressed a concern as to whether there would be sufficient lighting. Gensel replied that because of the design of the new *building* two light poles have been eliminated.

Piersimoni asked Gensel about customer *parking*. Gensel replied that it has not been determined but the *applicant* expects to provide 20 customer *parking* spaces.

Fleisher asked for clarification as to whether the *applicant* intends to *use* the addition as a new dealership and continue the *use* the existing *building* for reconditioning. Gensel replied that the *applicant's* intent is to *use* the 6720 sq. ft. existing *building* and that the new dealership will be the sole user of the 4878 sq. ft. addition.

Coons commented that the landscaping only represents green, no trees. A discussion followed regarding landscaping and how it is covered under our Municipal Code for future submittals.

Fleisher asked Gensel other than *sign* changes what other amendments could the Board expect and requested that the landscaping be included in any *sign site plan application*.

Coons noted that there were a few inconsistencies noted in the EAF Form submitted by the *applicant*. Gensel replied that due to a computer error, page 8 of 21, the following were answered with both yes and no. City, *Town*, Village Board should have been just no and the Chemung *County* Planning Board as an Other Local Agency should have been just yes. A discussion followed as to whether this action will be classified as an unlisted action or a Type 1 action.

The question was asked as to the status of the Farm Market located just west of the Simmons-Rockwell Reconditioning *Building area*. A determination as to the legality is being reviewed.

Fleisher asked for further comments or questions. There being none, he asked for a resolution.

**RESOLUTION P99-2003
SIMMONS ROCKWELL
SITE PLAN AMENDMENT
ADDITION TO THE RECONDITIONING BUILDING
TAX PARCEL #67.02-1-2.3**

Resolution By: Esty
Seconded By: McDonald

WHEREAS the Planning Board has received an *application* for a *Site Plan amendment* from Fagan Engineers on behalf of Simmons-Rockwell for a proposed Phase 2 addition to the existing Reconditioning *building* located on tax *parcel* #67.02-1-2.3 in the Business Regional (BR) *district*, commonly known as 785 County Route 64, as shown on a revised landscape and *site plan*, dated April 10, 2003;

AND WHEREAS the approved *site plan* in P-37-2002 showed a future addition of 3280 square feet, and the proposed addition is actually 4870 square feet;

AND WHEREAS a Traffic Impact Study was completed June 18, 2002, and that study was prepared using data that included the site as being a new dealership, and Creighton-Manning Engineers, *Consultant* for the *Town*, concurred with the conclusions of the TIS;

AND WHEREAS the drainage study was performed for the entire site with both phases included;

AND WHEREAS there will be seven customer *parking* spaces removed for the addition and no new customer spaces are proposed;

AND WHEREAS the proposed addition will maintain the required minimum front and side *setbacks*, and there will be no additional impervious surfaces added with the addition;

AND WHEREAS the adjoining property *owners* have been notified of this *application* pursuant to the rules of the Planning Board;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for *site plan* amendment approval;

AND FURTHER RESOLVED that action on this *application* remains an Unlisted Action under 6NYCRR and this Board remains the Lead Agency doing an uncoordinated review, and this Board finds that there will be no significant potential adverse environmental impact based on the facts noted above;

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the final *site plan*;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following condition that:

The County Planning Board consider the following modifications to *County* Route 64:

- Striping of the *road* for a pedestrian access aisle
- Reduce speed from 45 mph to 30 mph beginning at the crest of the overpass bridge immediately west of the project site

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, McDonald

NAYS: none

ABSTAIN: Piersimoni

ABSENT: none

**RETIREMENT ESTATES
SITE PLAN AMENDMENT
TAX PARCEL # 48.03-2-15.1**

Fleisher described and reviewed the proposed resolution as prepared by the Executive Committee. The *applicant* has indicated that the original size *lots* do not meet with buyers' demand for larger *lots* and that the 50 ft. *buffer setback* would be doable because it backs up to a gravel pit. Coons commented that the gravel pit is in the Airport Corporate Park (ABD) *district*. Therefore the new *buffer* and *barrier* law would apply to the west side of the line.

The *applicant* has agreed to landscape the proposed *site plan* consistent with existing surrounding landscaping. The Town Municipal Code *buffer, barrier* and landscaping Section 17.36.200 was discussed.

Younge asked why this *application* is considered a Type 1 action. Coons replied that the original *site plan* was a Type 1 action. A discussion pursued as to whether this *application* should be considered a Type 1 action. Gensel read Section 617.4 Type 1 actions from the New York State Environmental Quality Review regulation concerning the Type 1 action.

Younge made a motion to table the application until Coons contacts the State to determine as to what part of SEQRA applies. Seconded by McDonald, all in favor, motion carried.

MEMBERS COMMENTS

- Fleisher asked Coons to provide the Board with a copy of the letter written by Coons and Larry Wagner, Commissioner of Public Works to the Davenport Forest & Oakfield Neighborhood Assoc., Inc. regarding the proposed *roads* for Morroni Landscape *application*.
- Ormiston recommended that a *consultant* be considered to review the documentation for the proposed Morroni Landscape *Site Plan*. He also commented that the Fire Department be requested to submit a written reply to our request for review and comments. He would also like to request that the Attorney for the *Town* be asked to review the proposed Morroni Landscape *Site Plan*.
- Fleisher commented that he agrees that the Attorney for the *Town* should review the proposed Morroni Landscape *Site Plan*. Fleisher commented that presently the status of the proposed Morroni Landscape *site plan* is waiting on the Archeological Study to be completed and when and if the *applicant* builds the *road* and when and if the *Town* accepts the *road* as a *Town road*.
- Younge stated that she, Piersimoni and Esty would not be at the May 20, 2003 Planning Board Meeting and that all remaining members must be present in order to have a quorum.
- Younge commented that she would like the Board to review the landscaping requirements in more detail and consider the bigger picture.

Meeting adjourned at 8:15 P.M.

Respectfully Submitted

Nancy Van Maarseveen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF MAY 20, 2003**

6:30 P.M.
REGULAR MEETING
Main Conference Room
1st Floor

Present:

Chair - Mark Fleisher
Angela Piersimoni
Carl Masler
James Ormiston
Scott Esty
Absent: Lee McDonald
Absent: Lee Younge

Guests: James Gensel, Ruth Kuhn, Dave Rynders, Keith Stewart, Steve Barnstead, Carolyn &
Jerry Welliver
Staff: Chuck Coons

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee.

MINUTES

Ormiston made a motion to accept and approve the minutes of April 29, 2003, seconded by Piersimoni. All in favor, motion carried.

**SIMMONS ROCKWELL *SITE PLAN* AMENDMENT
FUEL TANK INSTALLATION
TAX PARCEL #67.02-1-4**

Fleisher described and reviewed the proposed resolution. He noted that this is the third *site plan* amendment for the location of the fuel-dispensing tank. This amendment places the tank on the south side of County Route 64 and has received approval from Mr. Foti of the New York State Department of Environmental Conservation (DEC). Therefore, being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P100-2003
SIMMONS ROCKWELL *SITE PLAN* AMENDMENT
FUEL TANK INSTALLATION
TAX PARCEL #67.02-1-4**

Resolution By: Ormiston
Seconded By: Piersimoni

WHEREAS the Planning Board has received an *application* for a *Site Plan Amendment* from Fagan Engineers on behalf of Simmons-Rockwell for review and approval of a proposed installation of an above-ground fuel dispensing tank on tax *parcel* #67.02-1-4 commonly known as 784 County Route 64, as shown on page 2 of a revised *site plan* by Fagan Engineers dated May 5, 2003, project #2001-100;

Big Flats Town Hall E-Document

AND WHEREAS the fuel tank is presently installed in the floodway behind the reconditioning building on tax *parcel* #67.02-1-4, which said location has been deemed unacceptable per Resolution P98-2003;

AND WHEREAS the *applicant* has received final approval in Resolution P98-2003 to relocate the fuel tank from its present location in the floodway to another location on the same *lot* that is out of the floodway, but will be located in the floodplain;

AND WHEREAS the *applicant* has proposed another location south of County Route 64 on tax *parcel* #67.02-1-2.3;

AND WHEREAS the proposed location is more than 50 feet from the *property* lines as required in Town Municipal Code 17.36.190(A3);

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for *site plan* amendment approval;

AND FURTHER RESOLVED that action on this *application* remains an Unlisted Action under 6NYCRR and this Board remains the Lead Agency doing an uncoordinated review, and this Board finds that there will be no significant potential adverse environmental impact by the proposed change;

AND FURTHER RESOLVED that the Preliminary *Site Plan* is approved and accepted as the Final *Site Plan*; and

AND FURTHER RESOLVED that the Final *Site Plan* is approved with the following condition:

- The fuel-dispensing tank shall not exceed 2,000 gallons.

CARRIED: AYES: Masler, Ormiston, Fleisher, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Younge, McDonald, Esty

**GOLDEN GLOW FIRE DEPARTMENT
SUBDIVISION AND CONCEPT PLAT
AREA VARIANCE REFERRAL
TAX PARCEL #97.00-1-31.2**

This Subdivision and Concept Plat was submitted to the Planning Board for review and comments. In accordance with Town Municipal Code 17.32.060 it was agreed that this *application* is incomplete and shall be tabled until the *applicant* provides a concept *site plan* that shall include the location of the proposed fire station *building*, *drive* access and *parking area*.

Steve Barnstead, attorney for both the Solomon's and the Golden Glow Fire Department, presented the Board with speculative plans of the fire station *building* and *parking area*. He explained that the Fire Department is in the process of acquiring the property for the potential purpose of *building* a fire station and that no immediate plans have been finalized.

Ormiston made a motion to table the application until the *applicant* provides the Board with the required complete contents of a Concept plan, in accordance with 17.32.060 with a *site plan* of the fire station building, *drives* access and *parking area*. Seconded by Masler, all in favor, motion carried.

**RESOLUTION P101-2003
GOLDEN GLOW FIRE DEPARTMENT
SUBDIVISION AND CONCEPT PLAT
AREA VARIANCE REFERRAL
TAX PARCEL #97.00-1-31.2**

Resolution by: Ormiston
Seconded by: Masler

WHEREAS this Board has received a *site plan application* from Joel P and Deborah L. Solomon, owners of a 1.98-acre *parcel* located at 204 Hendy Creek Road to subdivide the *property* into two *parcels*, one *parcel* being 1.265 acres, which is presently vacant land and the other *parcel* being 0.715 acres, presently a site of a *convenience mart*;

AND WHEREAS the *property* is located at the corner of Hendy Creek Road and Bennett Road in the Business Neighborhood District (BN);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires a minimum one-acre *parcel* in the BN District;

AND WHEREAS the 0.715-acre *parcel* does not meet the one-acre requirement; therefore, an area variance is required to create a lawful *subdivision*;

AND WHEREAS the Planning Board pursuant to Municipal Code Section 17.60.070, is required to report its recommendation to the Zoning Board of Appeals (ZBA);

THEREFORE BE IT RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an *area variance application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to *applicant*?
No.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?
No.
3. Is the request substantial?
Unable to determine with documentation presented. As the 1.265-acre *lot* will be used for a new fire station, a concept plan for the fire station will assist in the decision on the question of substantial request by the *applicant*.
4. Will the request have adverse physical or environmental effects?
No. The actual *subdivision* will have no adverse effects.
5. Is the alleged difficulty self-created?
No.

AND FURTHER RESOLVED that this Board finds the *application* incomplete and is unable to make referral to the Zoning Board of Appeals (ZBA);

AND FURTHER RESOLVED that the applicant provides a concept plan of the site layout, pursuant to 1732.60 for the new station;

AND FURTHER RESOLVED this *application* is tabled pending the submission by the *applicant*.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston

NAYS: none
ABSTAIN: Scott Esty – late arrival because of seminar
ABSENT: McDonald, Young

**RETIREMENT ESTATES
COLE DEVELOPMENT
SITE PLAN AMENDMENT
TAX PARCEL # 48.03-2-15.1**

The Board has determined that this application, as tabled at the April 29, 2003 Planning Board Meeting may continue as an Unlisted Action, thereby proceeding with the proposed resolution.

Ormiston asked if an area variance should be required for this application. Coons replied that for a modification plan amendment the Planning Board could process and make decisions on a *site plan application* for the SHPMRD in accordance with the Town Municipal Code.

There being no further comments, Fleisher asked for a resolution.

**RESOLUTION P102-2003
RETIREMENT ESTATES
COLE DEVELOPMENT
SITE PLAN AMENDMENT
TAX PARCEL # 48.03-2-15.1**

Resolution by: Piersimoni
Seconded by: Ormiston

WHEREAS the Board has received a Site Plan Amendment from F. Cole Development Company for a request to change the *buffer* and *setback* from 50 feet to 35 feet on lots 236, 234, 232, 228, 226, 222, 218 and 216 in Retirement Estates in the SHPMRD District;

AND WHEREAS the minimum rear yard *setback* is 25 feet and the required *buffer* yard shall be at least twice the minimum *setback*, but not less than 50 feet;

AND WHEREAS Chapter 17.20.090 (E) requires any modification to the *site plan* to be addressed by the Planning Board by *site plan* amendment action;

AND WHEREAS the said *buffer* area abuts a gravel mine operation located in an Airport Business District (ABD);

THEREFORE BE IT RESOLVED that this Board does not consider this a segmentation from the original *site plan* approval and since the *applicant* did fulfill obligations in the original *site plan* review, this matter is considered a new *application*;

AND FURTHER RESOLVED that this Board considers this *application* an Unlisted Action under 6NYCRR and this Board is the Lead Agency doing an uncoordinated review, and this Board finds that there will be no significant potential adverse environmental impact by the proposed change;

AND FURTHER RESOLVED that the Preliminary *Site Plan* is approved and accepted as the Final *Site Plan*; and

AND FURTHER RESOLVED that the Final *Site Plan* is approved with the following condition:

- Landscape in the modified setback area shall be consistent with the existing screening requirements on the rest of the site.

CARRIED: AYES: Esty, Piersimoni, Fleisher, Ormiston, Masler
NAYS: None
ABSTAIN: None
ABSENT: McDonald, Young

**TIMOTHY & DEBRA BURGEY
AREA VARIANCE REFERRAL
TAX PARCEL # 88.17-1-13**

Fleisher summarized the applicant reasons for the request to construct a six-foot fence in the front yard on their property. The Town Municipal Code restricts a front yard fence to a maximum height of four feet about finished grade to provide a clear vision zone.

This area variance application was submitted to the Planning Board for review and comment. The Planning Board has evaluated the application and will submit comments with its recommendation to the Zoning Board of Appeals.

There being no further comments. Fleisher asked for a resolution.

**RESOLUTION P103-2003
TIMOTHY & DEBRA BURGEY
AREA VARIANCE REFERRAL
TAX PARCEL # 88.17-1-13**

Resolution by: Ormiston
Seconded by: Esty

WHEREAS this Board refers this *application* from Timothy & Debra Burgey for an area variance to the Zoning Board of Appeals (ZBA). The area variance is for a six-foot high *fence* in the *front yard*;

AND WHEREAS the *property* is located at 86 Golden Glow Drive in the Residential *District* (R1);

AND WHEREAS Chapter 17.36.060 of the Town Municipal Code restricts the maximum height of a *fence* located in the *front yard* to four feet;

AND WHEREAS there presently exist a hedgerow approximately five feet in height, and the installation of a six-foot high *fence* will not adversely affect a safe line of site;

AND WHEREAS the Planning Board pursuant to Municipal Code Section 17.60.070, is required to report its recommendation to the Zoning Board of Appeals (ZBA);

THEREFORE BE IT RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an *area variance application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to *applicant*?
No. Any physical barrier constructed would still constitute a *fence*.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?

- No.
3. Is the request substantial?
No.
4. Will the request have adverse physical or environmental effects?
No.
5. Is the alleged difficulty self-created?
Yes however this circumstances surrounding the request warrant approval.

In summary, this Board believes that the granting of the requested *area variance* will be substantially consistent with the planning objectives of the Town Comprehensive Plan.

AND FURTHER RESOLVED that this Board recommends favorable approval of the Variance request by the ZBA.

CARRIED: AYES: Esty, Piersimoni, Fleisher, Ormiston, Masler

NAYS: None

ABSTAIN: None

ABSENT: McDonald, Younge

**C.J.'S COUNTRY KIDS SUBDIVISION
TAX PARCEL #66.02-2-31.17**

Fleisher described and reviewed the proposed resolution. Fleisher asked the Board for questions or comments. Piersimoni asked if the resolution should include the reason for the application for a subdivision. Fleisher explained that the reason is a matter of public record; however, the applicants intended use of the subdivision is not a requirement in our application process.

Masler commented that an additional plan drawing should be required to determine as to whether the lots conform to the Bulk and Density Schedule. Coons explained that Thomas Reed, attorney for the Town, stated that the applicant must provide an instrument to be filed with the Chemung County Clerk's office and that the resolution be modified to reflect that the applicant present a Survey Map.

The State Environmental Quality Review Form of SEQRA was reviewed and a Negative Declaration was declared.

If the proposed resolution is approved, a Public Hearing will be scheduled for June 10, 2003.

**RESOLUTION P104-2003
C.J.'S COUNTRY KIDS SUBDIVISION
TAX PARCEL #66.02-2-31.17**

Resolution by: Masler
Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Carolyn Welliver, owner of tax *parcel* #66.03-1-5, for the *subdivision* approval of this approximately 60 acre *parcel* to create two *lots*:

WHEREAS a map showing a portion of the main *parcel* has been submitted that shows the lesser of the two *parcels*, with said *parcel* being 2.345 acres;

AND WHEREAS a boundary description for a 2.345 acre *parcel* has been submitted as prepared by Wieland Survey company;

AND WHEREAS the proposed *subdivision* is located in a Business Neighborhood 2 District (BN2);

AND WHEREAS the *Bulk and Density* Control Schedule requires a minimum *lot area* of 1 acre;

AND WHEREAS the adjoining property owners have been notified of this *application* pursuant to the Rules of the Planning Board;

AND FURTHER RESOLVED that the *applicant* shall submit a survey instrument to complete the documentation;

AND FURTHER RESOLVED that for environmental review this Board finds action on this application to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with information notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact;

AND FURTHER RESOLVED that a Public Hearing is required for Preliminary Plat of proposed *subdivisions* and this Board sets a Public Hearing on the Preliminary Plat for June 10, 2003 at 6:35 P.M. or soon thereafter as practical.

CARRIED: AYES: Masler, Ormiston, Fleisher, Piersimoni, Esty

NAYS: None

ABSTAIN: None

ABSENT: Younge, McDonald

MEMBERS COMMENTS

- Ormiston commented that:
 - He reviewed the SEQRA 617 issued and noted that all Involved Agencies must respond.
 - He prepared and would present to the Planning Board Secretary a draft to amend the Planning Board Rules and Forms that would delete all references to the Environmental Committee and identify Form PB-2, revised April 3 2003. He would like to request that the revised Planning Board Rules be placed on the June 10, 2003 Agenda.
 - He asked Coons as to whether the PB-6 Form is applicable. Coons replied that with the use of the State SEQRA Form the PB-6 Form would not be used.
 - He commented that on occasion at the discretion the Application Committee, it would consider a late application if a compelling reason for the late submittal is provided.
- Esty asked as to whether any comments have been received from the County with regard to the speed limit reduction on County Route 64 in reference to the Simmons-Rockwell application. Fleisher replied that James Gensel was to submit a letter to New York State Department of Transportation (NYS DOT). Fleisher commented that Lee Younge has spoken with Randy Olthof, Chemung County Planning Commissioner, who shared the view of County Director of Public Works Tim Von Neida that placing marking across County Route 64 would encourage people that this is a safe place to cross. Fleisher also understood that Lee Younge might have received a favorable response on the speed limit. Coons commented on a Traffic Calming Seminar and an IIHS Study that concluded that increase speed increases the likelihood of a pedestrian being hit.
- Fleisher asked at what point after a site plan has been tabled that the applicant must fulfill the

conditions set by the Board. Do these conditions go on ad infinitum or is there a point where the requirement is deemed not fulfilled? Coons replied that he would discuss this issue with Thomas Reed, attorney for the Town.

- Coons said that Reed has agreed to a question and answer session at a Board Meeting. The Board is encouraged to develop a list of questions and make them available to Reed prior to the meeting. i.e.: tabling vs. open ended or null and void. Coons asked what kind of authority the Board has on issues such as traffic-related matters, i.e.. speed limits.

Meeting adjourned at 7:24 P.M.

Respectfully Submitted

Nancy Van Maarseveeen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF JUNE 10, 2003**

6:30 P.M.
REGULAR MEETING
Conference Room "A"
Downstairs

Present:

Chair - Mark Fleisher
Angela Piersimoni
Lee McDonald
Lee Younge
Scott Esty
Absent: Carl Masler
Absent: James Ormiston

Guests: Keith Stewart, James Gensel, Ruth Kuhn, Joe Rowe, Carolyn and Jerry Welliver, Frank Atha
Staff: Chuck Coons

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee with the exception that item #4 be revised to a Zoning Amendment for the Chemung County Industrial Development Agency (CCIDA).

MINUTES

McDonald made a motion to accept and approve the minutes of May 20, 2003, seconded by Piersimoni. All in favor, motion carried.

**C.J.'S COUNTRY KIDS SUBDIVISION
TAX PARCEL #66.02-2-31.17**

Fleisher described and reviewed the proposed resolution. He asked the Board for comments. There being none, he asked for a resolution.

**RESOLUTION P105-2003
C.J.'S COUNTRY KIDS SUBDIVISION
TAX PARCEL #66.02-2-31.17**

Resolution by: Esty
Seconded by: McDonald

WHEREAS the Planning Board has received an *application* from Carolyn Welliver, *owner* of tax *parcel* #66.03-1-5, for the *subdivision* approval of this approximately 60 acre *parcel* to create two *lots*:

WHEREAS a map showing a portion of the main *parcel* has been submitted that shows the lesser of the two *parcels*, with said *parcel* being 2.345 acres;

AND WHEREAS a boundary description for a 2.345 acre *parcel* has been submitted as prepared by Wieland Survey company;

AND WHEREAS the proposed *subdivision* is located in the Business Neighborhood 2 *District* (BN2);

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AND WHEREAS in Resolution P104-2003 this Board issued a Negative Declaration based on SEQRA Review;

AND WHEREAS this Board has set a Public Hearing for June 10, 2003,

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *subdivision* Preliminary Plat;

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Masler, Ormiston

Fleisher suspended the business portion of the meeting in order to conduct a scheduled public hearing.

PUBLIC HEARING

6:35 P.M. C.J COUNTRY KIDS SUBDIVISION PRELIMINARY PLAT TAX PARCEL #66.02-2-31.17

Chairman Fleisher called the Public Hearing to order at 6:35 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: None

Fleisher closed Public Hearing at 6:37 P.M. and reconvened the business portion of regular meeting.

C.J COUNTRY KIDS SUBDIVISION PRELIMINARY PLAT AND FINAL PLAT TAX PARCEL #66.02-2-31.17

Fleisher described and reviewed the proposed resolution. He asked the Board for comments. There being none, he asked for a resolution to finalize this *subdivision application*.

RESOLUTION P106-2003 C.J COUNTRY KIDS SUBDIVISION PRELIMINARY PLAT AND FINAL PLAT TAX PARCEL #66.02-2-31.17

Resolution by: McDonald

Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Carolyn Welliver, *owner* of tax *parcel* #66.03-1-5, for the *subdivision* approval of this approximately 60 acre *parcel* to create two *lots*:

WHEREAS a map showing a portion of the main *parcel* has been submitted that shows the lesser of the two *parcels*, with said *parcel* being 2.345 acres;

AND WHEREAS a boundary description for a 2.345 acre *parcel* has been submitted as prepared by Wieland Survey company;

AND WHEREAS the proposed *subdivision* is located in the Business Neighborhood 2 *District* (BN2);

THEREFORE BE IT RESOLVED that this Board approves the Preliminary *Subdivision* Plat and accepts the Preliminary Plat as a Final *Subdivision* Plat for this *application*;

AND FURTHER RESOLVED that the Final *Subdivision* Plat is approved.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Masler, Ormiston

**GOLDEN GLOW FIRE DEPARTMENT
SUBDIVISION AND CONCEPT PLAT
AREA VARIANCE REFERRAL
TAX PARCEL #97.00-1-31.2**

Fleisher reviewed the previous actions taken on this application to date. He noted that the *applicant* had provided all documentation required by Resolution P101-2003. He reviewed the proposed resolution and the purpose for dividing the property. The Board had the following questions and comments concerning this application.

Esty, inquired as to the precedent of subdividing property that does not meet the minimum requirements of the Bulk and Density Control Schedule. Coons replied that this was the second area variance referral this year.

Keith Stewart, a spokesperson for the Golden Glow Fire Department, explained the procedures required prior to a fire station being built. He further explained that the existing fire station building built in 1950 would not accommodate OSHA specifications for a new fire truck that will be required in the future. There being no further questions, Fleisher asked for a resolution.

**RESOLUTION P107-2003
GOLDEN GLOW FIRE DEPARTMENT
SUBDIVISION AND CONCEPT PLAT
AREA VARIANCE REFERRAL
TAX PARCEL #97.00-1-31.2**

Resolution by: Esty

Seconded by: Younge

WHEREAS this Board has received a *site plan application* from Joel P and Deborah L. Solomon, owners of a 1.98-acre *parcel* located at 204 Hendy Creek Road to subdivide the *property* into two *parcels*, one *parcel* being 1.265 acres, which is presently vacant land and the other *parcel* being 0.715 acres, presently the site of a *convenience mart*;

AND WHEREAS the *property* is located at the corner of Hendy Creek Road and Bennett Road in the Business Neighborhood *District* (BN);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires a minimum one-acre *parcel* in the BN *District*;

AND WHEREAS the 0.715-acre *parcel* does not meet the one-acre requirement; therefore, an area variance is required to create a lawful *subdivision*;

AND WHEREAS the Planning Board pursuant to Municipal Code Section 17.60.070, is required to report its recommendation to the Zoning Board of Appeals (ZBA);

AND WHEREAS this Board made the following comments in Resolution P101-2003 on the facts of this case in relation to the criteria for review of an *area variance application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to *applicant*?
No.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?
No.
3. Is the request substantial?
Unable to determine with documentation presented. As the 1.265-acre *lot* will be used for a new fire station, a Concept Plan for the fire station will assist in the decision on the question of substantial request by the *applicant*.
4. Will the request have adverse physical or environmental effects?
No. The actual *subdivision* will have no adverse effects.
5. Is the alleged difficulty self-created?
No.

AND WHEREAS the *applicant* was required to submit a Concept Plan of the site layout for the proposed fire station;

AND WHEREAS the *applicant* has submitted a Concept Plan on behalf of the Golden Glow Fire Department showing *building layout, parking area* and *access drives*, and the *lot coverage* is proposed to be 48% and the allowable *lot coverage* in the BN *District* is 50%;

THEREFORE BE IT RESOLVED that this Board accepts the documentation as a Concept Plat;

AND FURTHER RESOLVED that this Board finds that the request for an area variance of the 0.715 acre *parcel* is not substantial in view of the *lot coverage* required of the proposed fire station *building*;

AND FURTHER RESOLVED that favorable recommendation be sent to the Zoning Board of Appeals (ZBA) for approval of the area variance;

AND FURTHER RESOLVED that a Public Hearing is required for the *subdivision*, and said Hearing is set for July 1, 2003 at 6:35 p.m. or soon thereafter as practical, pending approval of the area variance.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Masler, Ormiston

**AIRPORT CORPORATE PARK SOUTH
CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (CCIDA)
ZONING AMENDMENT
TAX PARCEL #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37**

Fleisher reviewed the previous action taken on this application to date, which included the completion of the environmental review by Board. He asked if there were any questions or comments concerning this application.

Coons commented that the Town Board held a Public Hearing on the Proposed Local Law 2, 2003 – Zoning Amendment, to allow and consider comments regarding proposed Local Law 2, 2003 authorizing the amendment to the Town of Big Flats Municipal Code and to adopt the revised zoning map changing the BNR district to ABD district south of NYS Route 17 adjacent to Kahler Road South.

Fleisher asked if there is a time frame for *site plan* submission. James Gensel of Fagan Engineers, representing the Chemung County IDA, explained that individual *site plans* would be submitted as needed for review by the Board. He explained that the County would submit concept plans for the *roads*; utilities and potential configuration of the *lots* prior to advertising any lots for sale. Gensel explained that lot configuration could change as sales occur. Fagan will submit a generic environmental impact statement that will take into account all traffic, drainage and archeological concerns. Gensel expects that the Public Hearings would involve a four to five month process.

The Planning Board as the SEQRA Lead Agency can determine the adequacy of the environmental impact statement. The rezoning process has to be completed before environmental impact can be determined. Esty asked about the reasons for the rezoning. Gensel replied that the main reason was to allow light manufacturing. Younge and Piersimoni expressed their concern that light manufacturing be well defined and suggested that the SEQRA process be specific. Coons explained that because of the strict airport regulations, heavy manufacturing would not occur and that the Zoning Review Committee would address these concerns.

Ruth Kuhn, 140 Chambers Road, asked if the land on the south side of County Route 17 includes the properties on the east and west side of Kahler Road. Fleisher replied that it would include only the tax parcel numbers listed in the resolution before the Board. Coons presented the zoning map for an illustration of the properties that would be included. Younge asked if it is the Town's intention to rezone her properties as well as the tax parcels indicated. Fleisher read the Zoning Amendment Resolution of April 2002 that only specifies the tax parcels owned by CCIDA.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P108-2003
AIRPORT CORPORATE PARK SOUTH
CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY (CCIDA)
ZONING AMENDMENT
TAX PARCEL #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37**

Resolution by: Younge
Seconded by: Esty

WHEREAS the *Town Board*, in Resolution #167-02, has referred to this Board the matter of a Zoning Amendment from the *Applicant*, George Miner on behalf of the CCIDA, and affecting Tax *Parcels* #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37,

AND WHEREAS the *Town Board* has requested that the Planning Board complete the required environmental review and make a written recommendation and report concerning the Zoning Amendment *application*,

AND WHEREAS the *Applicant* is proposing that the aforementioned tax *parcels* be rezoned from its present Business Non-Retail (BNR) Zoning *District* Classification to an Airport Business *Development* (ABD) Zoning *District* classification,

AND WHEREAS Bergmann Associates, as the *consultant* for the *Town*, has completed the required review of the Zoning amendment proposal;

AND WHEREAS the *Town's consultant* has stated in its review letter dated October 2, 2002, that the zoning amendment will not significantly increase the environmental impact of any of these issues, and that development of the subject area under the proposed zoning is not significantly different than that under the existing zoning;

AND WHEREAS the RU Committee reviewed the permitted uses in the Airport Business *District* (ABD) and has submitted its recommendations to this Board and to the *Town Board* for incorporation into the zoning revisions;

AND WHEREAS this Board is satisfied with the final analysis of the *Town's consultant*, and thereby accepts the review as complete;

BE IT THEREFORE RESOLVED that this Board after review and comment of related SEQR issues determines that the zoning amendment will have no significant adverse environmental impact and recommends that the *Town Board* adopt these findings as Lead Agency in the SEQR review;

AND FURTHER RESOLVED that the Planning Board recommends that the *Town Board* amend the Zoning Map of the *Town* of Big Flats to change the following tax parcels south of County Route 17 #57.02-2-60 & 67.01-1-7.1 & 67.01-1-5 & 66.02-2-37 that are currently zoned Business Non-Retail (BNR) to ABD.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Masler, Ormiston

MEMBERS COMMENTS

- Fleisher introduced the proposed Amendment of the Rules and Forms of the Planning Board of the Town of Big Flats submitted by Ormiston. The Planning Board Secretary will make the recommended changes and distribute a modified copy in the Planning Board mail slots for further review.
- Younge commented that she met with the Commissioner of Department of Conservation (DEC) who informed her that they would be revising the SEQRA process to include environmental justice and set rules and regulations. Fleisher asked the reason for the review. Younge responded that an effort is being made to level the effects of large corporation developments in areas of

minority populations who may not have financial resources to hire professionals to study such projects. The timeframe to discuss the public process is planned for the fall.

- Coons referenced the email he had sent to the Planning Board on the expiration of an application. He said that Bernie Schmelz of the NY Dept. of state recommended that a letter be sent to the applicant, prior to approval, informing him or her that his or her application will be withdrawn if no activity or reasonable response has not been received within a certain period of time. Coons will distribute a copy of a proposed local law at the next meeting for the Board's review.

Meeting adjourned at 7:45 P.M.

Respectfully Submitted

Nancy Van Maarseveen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF JULY 1, 2003**

6:30 P.M.
REGULAR MEETING
Main Conference Room

Present:

Chair - Mark Fleisher
Angela Piersimoni
Lee McDonald
Lee Younge
Scott Esty
Carl Masler
James Ormiston

Guests: Frank Kramarik, James Gensel, Ruth Kuhn, Steve Barnstead
Staff: Chuck Coons

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee

MINUTES

Younge made a motion to accept and approve the minutes of June 10, 2003, seconded by McDonald. Fleisher, Piersimoni, McDonald, Younge, Esty, and Ormiston were in favor, Masler abstained. Motion carried.

**WICKED WERX/DONALD YEARICK
SITE PLAN REVIEW
TAX PARCEL NO.: 57.02-2-66**

Fleisher described and reviewed the proposed resolution for a *site plan application*. On adoption of this resolution this *application* will be forwarded to the Town Board for its consideration for a Special Permit approval. Fleisher asked the Board for questions or comments.

Ormiston questioned as to whether tax *parcel* 57.02-2 .66 and tax *parcel* #57.02-1-66 were owned by the *applicant*. Coons replied that he had also asked Bill Torp, the Town of Big Flats Tax Assessor, the same question who informed him that lot 57.02-1 66 was a separate tax parcel and owner.

Esty asked if the parking for the Auto Revue Shows is adequate. Using previous Auto Revue Shows as a reference the applicant has determined that sufficient parking will be available. Esty questioned the noise level and whether the application consists of modifying of auto engines. Coons replied that most of the work done on the cars would be bodywork.

On the completion of the Short Environmental Assessment Form, Fleisher asked the Board for further comments. Being none, he asked for a resolution.

**RESOLUTION P109 -2003
WICKED WERX/DONALD YEARICK
SITE PLAN REVIEW
TAX PARCEL NO.: 57.02-2-66**

Resolution by: McDonald

Seconded by: Ormiston

WHEREAS the Planning Board has received an application for *site plan* approval from Donald Yearick for a *vehicle repair* facility located at 334 Sing Sing Road to install auto components;

AND WHEREAS the *property* is located in the Airport Business Development (ABD) *district* approximately 500 feet east of Airport Road;

AND WHEREAS the *property* contains 0.677 acres, triangular in shape;

AND WHEREAS the *property* has been used for *vehicle repair*, and is presently vacant;

AND WHEREAS *vehicle repair* is a permitted *use* in the ABD *district* with approval of the Planning Board and Special *Permit* approval of the *Town Board*;

AND WHEREAS the *use* is compatible with surrounding *uses* as there is a *vehicle repair* shop within 500 feet of the *property*;

AND WHEREAS there is one *structure* on the *property* used for *vehicle repair* and includes an in-ground hydraulic lift;

AND WHEREAS the *applicant* has stated that 50 vehicles are anticipated on a weekly basis, and three to four seasonal auto revue shows per year;

BE IT THEREFORE RESOLVED that for environmental review pursuant to 6NYCRR, part 617, this Board finds this action to be an Unlisted Action in accordance with 6NYCRR part 617 and intends to be the Lead Agency completing an uncoordinated review, in accordance with 6NYCRR 617.6b, with notification sent to the following Agencies:

- o Chemung County Planning Board,
- o Chemung County Public Works,
- o Big Flats Fire Department.

AND FURTHER RESOLVED that the traffic generated by this *use* will have little or no significant impact on the local traffic conditions, as the trip generations will be varied during business hours;

AND FURTHER RESOLVED that this Board finds that there will be no significant potential adverse environmental impact based on the facts noted above, and therefore issues a negative declaration;

AND FURTHER RESOLVED that the presented documents of the *site plan application* are accepted as a Preliminary Plan.

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the final site

AND FURTHER RESOLVED that the Final Plan is approved with the following conditions:

- Use existing exterior lighting
- Use existing *sign* on *building*
- Auto revues be limited to Saturday and/or Sunday and limited to not more than 25 cars.
- That the Chemung County Planning Board shall receive the documentation for its review and comment prior to the signing of the final plan by the chairperson of the Town of Big Flats Planning Board.

AND FURTHER RESOLVED that this decision be forwarded to the *Town Board* for its consideration for a Special *Permit* approval.

CARRIED: AYES: Piersimoni, McDonald, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: None

**ARTHUR DEVENPORT
AREA VARIANCE ZONING REFERRAL
TAX PARCEL NO.: 66.04-2-28**

Fleisher described and reviewed the proposed resolution. Fleisher asked the Board for questions or comments. Ormiston commented that on reviewing the Bulk and Density Table the setbacks were adequate. The Board having no further comments, Fleisher asked for a resolution.

**RESOLUTION P110 -2003
ARTHUR DEVENPORT
AREA VARIANCE ZONING REFERRAL
TAX PARCEL NO.: 66.04-2-28**

Resolution by: McDonald

Seconded by: Piersimoni

Whereas this Board has had referred to it by the Zoning Board of Appeals (ZBA) an *application* for an Area Variance from Arthur Devenport for a *property* located at 60 Canal Street in the Town Center (TC) *district*;

AND WHEREAS the *applicant* is requesting a variance to locate a second *accessory structure* on his *property* which will be a 420 square foot *storage building*;

AND WHEREAS there exists a detached garage that is 768 square feet and the combined total square footage of the proposed *building* and the existing garage is 1188 square feet;

AND WHEREAS Section 17.40.020 of the Town Municipal Code permits two *accessory structures* on a *property*, the maximum aggregate square footage permitted for residential *use* is 1000 square feet;

AND WHEREAS the Planning Board pursuant to Town Municipal Code Section 17.60.070, is required to report its recommendation to the ZBA;

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THEREFORE BE IT RESOLVED that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?
No
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?
No
3. Is the request substantial?
No, this is less than 20% increase in allowable size.
4. Will the request have adverse physical or environmental effects?
No
5. Is the alleged difficulty self-created?
Yes, however this does not preclude the applicant from being granted a variance.

In summary, this Board believes that the granting of the requested area variance will be substantially consistent with the planning objectives of the Town Comprehensive Plan.

AND FURTHER RESOLVED that this Board recommends favorable approval of the variance by the ZBA.

CARRIED: AYES: Piersimoni, McDonald, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: None

**TOWN OF BIG FLATS SUBDIVISION
CONCEPT PLAT
TAX PARCEL #67.01-1-12**

Fleisher reviewed and described the proposed resolution. On completion of the Short Environmental Assessment Form, Fleisher asked for questions or comments. Coons clarified for Esty the exact acreage involved. Being no further discussion, Fleisher asked for a resolution.

**RESOLUTION P111-2003
TOWN OF BIG FLATS SUBDIVISION
CONCEPT PLAT
TAX PARCEL #67.01-1-12**

Resolution by: Younge

Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Town of Big Flats, owner of tax *parcel* #67.01-1-12, for the *subdivision* approval of this 61-acres *parcel* to create two parcels:

- *Parcel* A being a 1.006-acres parcel, and
- *Parcel* B being the remainder of the acreage;

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AND WHEREAS the *property* is vacant land located in Residential 1 (R1) and the Business Non-retail (BNR) *districts*, approximately 300 feet from Harris Hill Road;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 35,000 square feet and 100-foot *lot* width for a residential *lot* in an R1 *district* without public water or sewer, and the proposed 1.006 acre parcel meets the minimum requirements;

AND WHEREAS the remaining parcel will not be landlocked due to additional access to County Route 64 to the east near Welles Bridge;

AND WHEREAS adjoining *property* owners have been notified of this *application* pursuant to the rules of the Planning Board;

BE IT THEREFORE RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact;

AND FURTHER RESOLVED that a Public Hearing is required for Preliminary Plat of proposed *subdivisions* and this Board sets a Public Hearing on the Preliminary Plat for August 12, 2003 at 6:35 P.M. or soon thereafter as practical.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

**BOBBY K ENTERTAINMENT
SITE PLAN AMENDMENT II
PRELIMINARY PLAN
TAX PARCEL NO.: 66.04-1-6
BOBBY K**

Fleisher described and reviewed the proposed resolution. He asked for questions or comments. Coons explained the distance requirements determined in the Town Municipal Code. He stated that the proposed building should be separated from the existing adjacent building by the height of the proposed building.

Ormiston requested to have the resolution reflect the phase of the *site plan* amendment. Younge questioned the proposed *use* of the *building*. Frank Kramarik, representing the *applicant*, replied that the proposed *use* of the *building* is to repair inflatable rides during the winter months. Piersimoni asked about the trees that would be removed. Kramarik replied

that only four to six trees would be removed. Piersimoni asked Kramarik if they had considered placing the *building* on the other side of the existing *building*. Kramarik replied that the septic system and property lines prevent the building from being placed on the other side of the existing building.

No further questions or comments, Fleisher asked for a resolution.

RESOLUTION P112-2003
BOBBY K ENTERTAINMENT
SITE PLAN AMENDMENT II
PRELIMINARY PLAN
TAX PARCEL NO.: 66.04-1-6

Resolution by: Ormiston

Seconded by: Fleisher

WHEREAS the Board has received an *application* from Francis Kramarik on behalf of Robert Kramarik, Bobby K Entertainment, for *site plan* review and approval for a new 1500 square foot *building*,

AND WHEREAS the *property* located on Canal Street in the Town Center (TC) *district*, south of Maple Street;

AND WHEREAS the *applicant* proposes to build a third *principal structure* on the *parcel*, which *structure* will be 30' x 50' x 21' high pole construction located 10' from the adjacent *building*;

AND WHEREAS Section 17.16.060 of the Town Municipal Code requires that the distance between *principal structures* be at least equal to the height of the taller *building*;

AND WHEREAS the proposed *structure* will be used for the storage of general maintenance of business related equipment;

AND WHEREAS the adjoining property owners have been advised of this proposed project pursuant to the Rules of the Planning Board.

AND WHEREAS there will be no new employees or traffic generated as a result of this project;

AND WHEREAS the added impervious surface will be minimal in relation to the size of the *parcel*;

THEREFORE BE IT RESOLVED that this action is a Type II Action in accordance with 6NYCRR, Part 617.5c7, and therefore no Environmental Review under SEQRA is required;

AND FURTHER RESOLVED that the documents submitted be accepted and approved as a Preliminary Plan;

AND FURTHER RESOLVED that the documents presented are accepted as a final *site plan* and the final plan be approved subject to the following conditions:

- The proposed *building* shall be separated from the existing adjacent *building*, by 21 feet, which is the height of the proposed *building*.
- That the Chemung County Planning Board shall receive the documentation for its review and comment prior to the signing of the final plan by the chair of the Town of Big Flats Planning Board.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

PHARMA-TEK, INC.

SITE PLAN WORKSHOP

TAX PARCEL #67.01.1-3 and 67.01-1-58

The Planning Board expects to receive an application from Fagan Engineers, representing Pharma-Tek, Inc. for a *site plan* review for proposed construction of a pharmaceutical packaging and manufacturing facility. The proposed project is to be located south of Daniel Zenker Road and east of Hibbard Road. The proposed project will include the construction of two buildings at a totaling of 110,000 square feet. Phase I will include a 55,000 square foot building, parking areas, and related infrastructure. Phase II will include a building of 45,000 square feet.

Fleisher asked James Gensel of Fagan Engineers to present the anticipated site plan application to the Board for review and comments.

Gensel described Pharma-Tek, Inc. as a generic pharmaceutical company that has outgrown offices in the City of Elmira and is proposing to relocate its Corporate Headquarters to the Airport Corporate Park with the prospect of future manufacturing. The documentation under consideration is for Phase I that entails a 55,000 square foot two-story office structure and a one-story packaging and warehousing facility. Documentation for Phase II has not been submitted; however, this Phase would entail a 45,000 square foot building for the manufacturing of generic drugs. No research and development will be done on the site. Gensel offered to provide elevation drawings when the actual building design has been determined.

Chemung County Industrial Development Agency (IDA) presently owns parcels #67.01-1-3 and #67.01-1-58. These parcels will be subdivided and 22 acres will be sold to Pharma-Tek, Inc. Chemung County IDA will retain approximately four-acres on the corner of Daniel Zenker Drive and Hibbard Road.

The site plan construction timeframe anticipated by Pharma-Tek, Inc. for Phase I is to commence October 2003 and continue through the winter. The timeframe by Pharma-Tek, Inc. for Phase II construction is proposed to start by next year with a five-year duration.

Pharma-Tek, Inc. office in Elmira presently employs three employees. Phase I is expected to create a maximum of 10 – 12 jobs. The trips generated in the traffic analyses are based on square footage not employees and are estimated 64 cars per hour.

Gensel explained that Pharma-Tek, Inc. Generic Environmental Impact Statement (GEIS) would be based on what was approved previously for Airport Corporate Park. Gensel offered to provide a tabular traffic analysis that will conclude that this project would be well under GEIS traffic generation requirements. Fleisher asked if the existing traffic study would include the proposed loading docks and the truck activities indicated on the plans. Gensel replied that Fagan would address those items in its traffic analysis. Younge asked as to the

size of the trucks. Gensel replied that he was not sure but small panel trucks were shown on the proposed plans

Storm water is determined by the GEIS; however, SPDES Phase II requires that the applicant ensure the storm water quality. The proposed plan shows a conceptual location for a detention/retention basin with an overflow in Cuthrie Run creating a wetland. Talbot's was used as an example of the wetland.

The proposed site plan indicates the number of parking spaces for both Phase I and Phase II. Gensel stated that although the proposed building layout for Phase II has not been provided, the building is proposed to be located in front of the larger parking area shown on the Phase I site plan drawings.

McDonald asked about the containment of any discharge involved in the manufacturing involved in Phase II. Gensel replied that the applicant has to abide by applicable Environmental Protection Agency rules. No discharge will be drained out of the site, as it will all go in the sanitary sewer. Presently sanitary sewers do not serve the site; however, a pump station is proposed through a grant received through the County. The pump station will be located on the corner of the property between Kliegel and the Chemung County IDA property. The pump station will be sized for potential expansion to Hibbard Road North for the residential areas. To qualify for the grant the pump station must show a benefit to Finger Lake Engineering and Pharma-Tek, Inc. The sewer will be pumped along Daniel Zenker Drive under the Cuthrie Creek. The proposed project does not involve the floodplain or floodway.

Gensel commented that the proposed project would maintain the existing tree line as a buffer and that detailed landscaping will be provided.

Gensel will contact the Chemung County IDA to begin the subdivision process. Younge commented that it would need to be a coordinated review process that could take time.

Ormiston commented that the Board consider a consulting engineer. Fleisher replied that the possibility would be reviewed when necessary.

Fleisher asked if there were any further questions or comments, there being none, he thanked Gensel for the presentation.

**DESIWORLD GROCERY STORE
SITE PLAN
TAX PARCEL NO.: 66.04-1-11**

Fleisher described and reviewed the proposed site plan application. Fleisher asked the Board for questions or comments. Younge requested that lighting be shown on the site plan. Fleisher noted that the parking area lends itself to a potential hazard. There is no room for a car to turn around. It was suggested that the entire parking area be located behind the main building that houses a residence and an office.

Due to the time spent on this application, Younge suggested that Coons confer with Thomas Reed III, Attorney for the Town, as to whether a timeframe could be set for the applicant to submit the required documentation in order to complete the application. Coons agreed.

Fleisher asked if there were any further questions or comments, there being none, he asked for a resolution to table this application pending the required documentation.

RESOLUTION P113 -2003
DESIWORLD GROCERY STORE
SITE PLAN
TAX PARCEL NO.: 66.04-1-11

Resolution by: Ormiston

Seconded by: Younge

WHEREAS this Board has received an application from Dr. Sheikh Qadeer for *site plan* approval for a retail specialty food store to be located at 61 Canal Street;

AND WHEREAS the *property* is located in the Town Center (TC) *district* and *retail* sales is an allowable *use* by *site plan* approval;

AND WHEREAS there presently exists a house and an *accessory structure* on the *property* of which the house has a doctor's office within it and the *accessory structure* is proposed to accommodate the *retail use*;

AND WHEREAS the *property* has a single *driveway* entrance from Canal Street, presently with *parking* in the front and the rear;

AND WHEREAS the proposed *use* is a specialty food shop and the nature of the *use* would have minimal impact on local traffic patterns;

AND WHEREAS the adjoining property owners have been notified in accordance with the rules of the Planning Board.

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Concept Plan for a *site plan* review and approval,

BE IT THEREFORE RESOLVED that for environmental review pursuant to 6NYCRR, part 617, this Board finds this action to be an Unlisted Action in accordance with 6NYCRR part 617 and intends to be the Lead Agency completing an uncoordinated review, in accordance with 6NYCRR 617.6b, with notification sent to the following Agencies:

- o Chemung County Planning Board,
- o Chemung County Health Department
- o Big Flats Public Works,
- o Big Flats Fire Department.

AND FURTHER RESOLVED that this Board determines that this application does not contain sufficient documentation to complete the required environmental review and requires that the *applicant* prepare and provide the following:

- Preliminary plan requirements of section 17.32.080, including but not limited to:
 - o A parking plan,
 - o Ingress and egress of traffic,
 - o Sign plan for all signs proposed,
 - o Site plan showing lot lines, building dimensions, setbacks, distance between buildings, and
 - o Exterior lighting.

AND FURTHER RESOLVED that this application is tabled pending the required submissions.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: None

MEMBERS COMMENTS

- Coons updated the Board on the Plantscape Exterior Site Plan Application. He updated the Board of the many complaints received by the Town Supervisor and the Code Enforcement Office. The complainants have not been satisfied with responses.
- Piersimoni asked Coons about the complaint in which Morroni is moving construction equipment across the R1 into the RU zoning district. She asked if this would be covered in the Cease and Desist Order. Coons replied that in September 2001 Carl Carson issued a Cease and Desist Order banning any more activity related to the Morroni Plantscape Exterior Site Plan application; however, two months ago Mr. Morroni started a farming operation on that site. He has agricultural exemption from any of Town zoning regulations and is allowed to transport his equipment across the R1 zoning *district*. He is allowed a roadside stand. Coons wrote to Morroni informing him that the construction of the gravel road is part of the site plan and covered under the Cease and Desist Order.
- Fleisher asked if there is any indication from Morroni that he intends to meet the conditions that the Board has placed on the site plan. Coons relayed that Thomas Reed III, the Attorney for the Town, suggested that the Board approve the site plan with conditions. Fleisher asked how much time Morroni has to comply with previously stated conditions. Coons stated a one-year timeframe upon approval of the project. Fleisher asked Coons to invite Reed to attend the next Planning Board meeting to discuss possible solutions.
- In answer to Piersimoni's question, Coons replied that according to Larry Wagner and himself, Davenport Road is considered a Primary Road.
- Coons read a card from Timothy and Debra Burgey thanking everyone for their help regarding their recent application for a variance.
- Fleisher expressed to the Board that he would be on vacation from July 10 – 13.

Meeting adjourned at 8:10 P.M.

Respectfully Submitted

Nancy Van Maarseveen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF JULY 22, 2003**

6:30 P.M.
REGULAR MEETING
Conference Room "A"

Present:

Chair - Mark Fleisher
Angela Piersimoni
Lee Younge
Scott Esty
Carl Masler
James Ormiston

Absent -Lee McDonald

Guests: Keith Stewart, Jerry Welliver, Gordon Cole
Staff: Chuck Coons, Lenny Kaner, Mary Balland, Thomas Reed

AGENDA

Fleisher recommended that the Public Hearing listed on the agenda be modified to reflect the *owners* of the *property* Joel and Deborah Solomon instead of Golden Glow Fire Department *Subdivision*. The Board agreed to proceed with the agenda as amended.

MINUTES

Ormiston made a motion to accept and approve the minutes of July 1, 2003, seconded by Piersimoni with minor corrections. All in favor, motion carried.

**SOLOMON SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #97.00-1-31.2**

Fleisher described and reviewed the proposed resolution to confirm the subsequent Public Hearing on the *Subdivision* Preliminary Plat *application* that the *owners* submitted to enable the sale of the 1.265-acre parcel to the Golden Glow Fire Department, with the intent that a new fire department be built on that parcel. Fleisher asked for questions and comments. There being none, he asked for a resolution.

**RESOLUTION P114-2003
SOLOMON SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #97.00-1-31.2**

Resolution by: Esty
Seconded by: Younge

WHEREAS this Board has received a *subdivision application* from Joel P. and Deborah L. Solomon, *owners* of a 1.98-acre *parcel* located at 204 Hendy Creek Road to subdivide the *property* into two *parcels*, one *parcel* being 1.265 acres, which is presently vacant land and the other *parcel* being 0.715 acres, presently the site of a *convenience mart*;

AND WHEREAS the *property* is located at the corner of Hendy Creek Road and Bennett Road in the

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires a minimum one-acre *parcel* in the BN *District*;

AND WHEREAS the 0.715-acre *parcel* does not meet the one-acre requirement; therefore, an area variance is required to create a lawful *subdivision*;

AND WHEREAS the Zoning Board of Appeals has granted an area variance for the 0.715 acre *parcel* per Resolution ZBA#3-03 on July 14, 2003,

AND WHEREAS a Public Hearing on the Preliminary Plat has been set for July 22, 2003 at the Town Hall, at 6:35 p.m. or as soon thereafter as practical;

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this Board confirms the Public Hearing on this *Subdivision* Preliminary Plat;

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: McDonald

PUBLIC HEARING

6:35 P.M. SOLOMON SUBDIVISION PRELIMINARY PLAT TAX PARCEL #97.00-1-31.2

Chairman Fleisher called the Public Hearing to order at 6:36 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: Keith Stewart resident of 17 Vernon Place and member of the Golden Glow Volunteer Fire Company commented that the reason for this *subdivision application* was to enable the Golden Glow Fire *District* to purchase the 1.265-acre parcel for the purpose of *building* a new fire department station. The proposed station would provide the community additional access to the fire station. He explained that the existing fire

station was built in 1954 and cannot accommodate the new fire trucks now required by OSHA, and that the bathrooms are not handicapped accessible.

AGAINST: None

COMMENTS: None

Fleisher closed Public Hearing at 6:40 P.M. and reconvened the business portion of regular meeting.

**SOLOMON SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #97.00-1-31.2**

In reviewing this proposed resolution, Fleisher explained that if adopted it would approve the *Subdivision* Preliminary Plat, and will grant *approval* to the *subdivision*. He asked for questions or comments. There being none, he asked for a resolution.

**RESOLUTION P115-2003
SOLOMON SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #97.00-1-31.2**

Resolution by: Ormiston

Seconded by: Piersimoni

WHEREAS this Board has received a *subdivision application* from Joel P and Deborah L. Solomon, owners of a 1.98-acre *parcel* located at 204 Hendy Creek Road to subdivide the *property* into two *parcels*, one *parcel* being 1.265 acres, which is presently vacant land and the other *parcel* being 0.715 acres, presently the site of a *convenience mart*;

AND WHEREAS the *property* is located at the corner of Hendy Creek Road and Bennett Road in the Business Neighborhood *District* (BN);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk and Density Control Schedule*) requires a minimum one-acre *parcel* in the BN *District*;

AND WHEREAS the Zoning Board of Appeals has granted an area variance for the 0.715 acre *parcel* per Resolution ZBA#3-03 on July 14, 2003,

THEREFORE BE IT RESOLVED that this Board approved the Preliminary *Subdivision* Plat and accepts the Preliminary Plat as a Final *Subdivision* Plat for this *application*;

AND FURTHER RESOLVED that the Final *Subdivision* Plat is approved.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: McDonald

**COLE DEVELOPMENT
AREA VARIANCE ZONING REFERRAL
TAX PARCEL NO.: 48.03-2-15**

Fleisher explained that this proposed resolution contains the five points as set forth in the Town Municipal Code for the Board to determine if the granting of the requested area variance would be substantially consistent with the planning objectives of the Town Comprehensive Plan.

Chuck Coons, Director of Building Inspection and Code Enforcement, provided photographs to the Board as a recommendation that the applicant can achieve a porch by locating it at the side of the house within the allowable *setback*. Esty asked if there were other *dwelling*s with similar front porches in that neighborhood. Coons responded that there are porches on the front of other *dwelling*s in the *development*, and that the management is accepting requests for larger homes than originally anticipated. Coons also noted that this parcel was previously granted an area variance for the rear *setback*.

Esty asked Gordon Cole, manager and *owner* of Cole *Development*, if the homeowner would consider *building* his porch on the side of his house. Cole replied that the *applicant* moved onto the parcel in good faith that he could have a front porch added to his home. Reed asked Cole how many vacant *lots* he has left to develop and that the remaining *lots* be designed to respect the *setback* according to the Town Municipal Code. Cole replied that there are 70 *lots* remaining to be developed and that some of the *lots* may be too small to accommodate even a handicap ramp.

Younge asked Cole to explain his reasoning in “unusual circumstances” as stated on the Zoning Board of Appeals *Application* Form. Cole replied that he understood the code to allow a canopy or an awning beyond the *setback* requirements and that this has been permitted since the *development* commenced and approximately 30 units have porches into the required *setback*.

Fleisher asked Cole if this *application* included a permanent roof over the proposed porch. Cole replied that it did include a permanent roof and that the definition in the dictionary states that a canopy is a cover and does not specify as to the material used and that he feels that a roof over a porch is the same as a canopy. Younge stated that her interpretation of a canopy is something that is removable. Reed recommended that the Board address the definition of porch versus canopy to ensure no misinterpretation can be construed in the future.

In consideration of Item #2 on the ZBA *Application* Form regarding an “undesirable change in the neighborhood character”, the Board recognized that there are other *lots* with *setback* encroachments in the *development* without approved variances.

Esty clarified that a basic purpose for the *setback* requirement is to allow for an aesthetically pleasing front yard, to ensure visibility on the *road*, and a standard *buffer* zone to prevent overcrowding. Esty asked Cole if there was an architectural review board that controls the parcels in his *development*. Cole replied that the *development* management approves all *site plans* and changes.

In consideration of Item #3 on the ZBA *Application* Form as to whether the “request is substantial”, Fleisher commented that the request for this area variance is 20% of the required yard *setback*; therefore not creating a substantial request. Ormiston commented that he is concerned with this *application* establishing a precedent in the *development*.

Younge asked Cole if he intends to apply for area variances for the parcels that are too small for the residents’ future requests. Cole replied that in the future residents would be required to apply to the Planning Board themselves. Cole suggested that the Board interpret the definition of a canopy to include a wooden *structure* porch roof over an unenclosed deck.

Reed was asked to comment as to how the Board should handle past practices. Reed agreed that this issue is an interpretation issue and that even though past practices have been established, the Board needs to focus on the five elements and determine whether this relief should be recommended to the ZBA. In reviewing the elements, the Planning Board should determine if the negative aspect of granting relief outweighs the benefit to the *applicant*. The recommendation as to the appropriateness of the request must be supported by the analysis. All area variance requests need to be considered on an individual basis.

The Board reviewed and completed the *State* Environmental Quality Review Short Environmental Assessment Form. There being no further questions or comments, Fleisher asked for a resolution.

RESOLUTION P116-2003
COLE DEVELOPMENT
AREA VARIANCE ZONING REFERRAL
TAX PARCEL NO.: 48.03-2-15

Resolution by: Younge

Seconded by: Esty

WHEREAS this Board has had referred to it by the Zoning Board of Appeals (ZBA) an *application* for an area variance from *Cole Development* for *property* located at 232 Leisure Lane, in the Senior Housing Planned Multiple Residential *District* (SHPMRD);

AND WHEREAS the *applicant* is requesting a variance to locate an *accessory structure* on his *property* which will be a 8' x 28' porch with roof on the front of his home;

AND WHEREAS the *applicant* is seeking relief from section 17.20.080 of the Town Municipal Code which requires a 25 foot front yard as measured from edge of *road* pavement;

AND WHEREAS the existing *dwelling unit* is presently located 28 feet from edge of *road* pavement;

AND WHEREAS the *applicant* intends to construct an open porch that is proposed to project 8 feet from the front of the existing *dwelling unit*, which will extend into the front yard *setback* by 5 feet;

AND WHEREAS the SHPMRD *development* includes open porches on all existing *dwelling units*, with said porches being located on either the side or the front of the *dwelling units*;

AND WHEREAS the Planning Board pursuant to Town Municipal Code Section 17.32.030, is required to report its recommendation to the ZBA;

THEREFORE BE IT RESOLVED that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

AND FURTHER RESOLVED the Board's interpretation of section 17.16.040(A), which permits awnings and canopies to project six feet into a required yard, does not include open porches with roofs as proposed by the *applicant*;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?

- No. The porch cannot be built elsewhere on the *lot* without either projecting into another required yard or into the *driveway*.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?
No. Other homes in the *development* have porches attached to the front of the homes.
 3. Is the request substantial?
No. This area variance is 20% of the required yard *setback*; therefore not creating a substantial request.
 4. Will the request have adverse physical or environmental effects?
No
 5. Is the alleged difficulty self-created?
Yes, however this does not preclude the *applicant* from being granted a variance.

In summary, this Board believes that the granting of the requested area variance will be substantially consistent with the planning objectives of the Town Comprehensive Plan.

AND FURTHER RESOLVED that this Board recommends favorable *approval* of the variance by the ZBA.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler
NAYS: Piersimoni
ABSTAIN: None
ABSENT: McDonald

**C.J COUNTRY KIDS
SITE PLAN AMENDMENT II
DRIVE ENTRANCE
TAX PARCEL #66.02-2-31.17**

Fleisher described and reviewed the proposed resolution for a *site plan application*. The Board reviewed and completed the *State Environmental Quality Review Short Environmental Assessment Form*. Fleisher asked for questions or comments.

Younge asked if the existing first *drive* would be labeled "Exit only"? The *applicant* stated that the existing entrance *sign* will be relocated to the proposed *drive*, and the existing exit *sign* will remain.

With modification to the proposed resolution, the Board made a motion on the resolution.

**RESOLUTION P117-2003
C.J COUNTRY KIDS
SITE PLAN AMENDMENT II
DRIVE ENTRANCE
TAX PARCEL #66.02-2-31.17**

Resolution by: Piersimoni
Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Carolyn Welliver, *owner* of tax *parcel* #66.02-2-31.17 for a *site plan amendment approval* for a second *drive* entrance:

AND WHEREAS this *property* is located adjacent to Hibbard Road in the Business Neighborhood 2 (BN2) *district*;

AND WHEREAS the *applicant* is requesting a second *drive* access from the existing *day care center* to Daniel Zenker Drive, located approximately 150 feet east of the existing *drive* access;

AND WHEREAS Daniel Zenker Drive is a *county road*, and the *applicant* has submitted a letter, dated June 25, 2003 from Tim Von Neida, County Commissioner of Public Works, granting *approval* of the request;

AND WHEREAS the *applicant* has proposed a *sign* identifying the proposed *drive* as an entrance, effectively creating an in and out loop for access from Daniel Zenker Road to the day care center;

AND WHEREAS the proposed *drive* access meets or exceeds the site distance requirements of section 12.12.060(G) which requires a minimum 350 feet of sight distance in each direction;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for *site plan* amendment *approval*;

AND FURTHER RESOLVED that action on this *application* is an Unlisted Action under 6NYCRR and this Board is the Lead Agency doing an uncoordinated review with notice sent to Chemung County Planning Board and Chemung County Public Works, and this Board finds that there will be no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the final *site plan*;

AND FURTHER RESOLVED that the Final Plan is approved subject to the following condition:

- Proposed *drive* shall not be more than 35 feet wide per section 12.12.060(D) of the Town Municipal Code

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: McDonald

JEAN HARSHBERGER
SIGN VARIANCE REFERRAL
TAX PARCEL #76.00-2-26.11

Fleisher described the *sign* variance referral and reviewed the proposed resolution as discussed by the Executive Committee. He asked for questions and comments. The size and purpose of the *sign* was discussed to determine whether there are other means feasible. No further comments, the Board made a motion not to recommend *approval* of the variance by the ZBA, based on the conclusion that the benefit can be achieved by other means feasible; that the request is substantial; and that the alleged difficulty is self created.

RESOLUTION P118-2003
JEAN HARSHBERGER
SIGN VARIANCE REFERRAL
TAX PARCEL #76.00-2-26.11

Resolution by: Esty

Seconded by: Ormiston

WHEREAS the Planning Board has had referred to it by the Zoning Board of Appeals an *application* for a *sign* variance from Jean Harshberger, for a *home occupation sign* to be located on tax *parcel* #76.00-2-26.11, located on the corner of Carpenter Road and New York State Route 352;

AND WHEREAS the *property* is located in the Conservation (C) *district*;

AND WHEREAS an *home occupation sign* is permitted to have a maximum area per face of two square feet in the Conservation *district*, per section 17.52.050

THEREFORE BE IT RESOLVED that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?
Yes. The *applicant* stated that this *sign* will be used for advertisement. There are other ways to advertise a business other than signage.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?
No. There are other established *signs* in the area.
3. Is the request substantial?
Yes. The requested *sign* is six times larger than permitted by code.
4. Will the request have adverse physical or environmental effects?
No
5. Is the alleged difficulty self-created?
Yes however this does not preclude the *applicant* from being granted a variance.

AND FURTHER RESOLVED that this Board does not recommend *approval* of the variance by the ZBA.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: McDonald

MEMBERS COMMENTS

Thomas Reed III, attorney for the *Town* was asked to attend the Planning Board meeting for a question and answer discussion for future and past concerns by the Board.

Reed introduced himself to the new members of the Board and stated that he is available to the Board at any time. He wants to be proactive with this Board and expressed the importance of the role of the Planning Board in the *development* of the *Town*.

- Piersimoni questioned section 17.56.060(A)(3), which limits reconstruction of a non-conforming *building* to 50% of the replacement cost of said *building*. Reed replied that if the *applicant* exceeds the 50% value the *applicant* would no longer have the protection of pre-existing non-conforming *use*. There are additional triggers in our code resulting in the loss of a non-conforming *use* such as increase in *use*, *lot coverage* or *structure* by more than 50%. Fleisher commented that in the future at the initial *application* stage, the question as to expected renovation cost should be asked and the assessment value should be obtained.
- Piersimoni asked about *applications* to the Board that have been ongoing without resolution and inactive *applications*. Reed agreed that these *applications* need to be resolved. Fleisher asked if an *application* has been tabled requiring the *applicant* to complete certain requirements – can the Board withdraw the tabling and approve the *application* with conditions. Reed replied that if the Board tabled the *application* on consent, the Board could receive consent from the *applicant* to move the *application* forward.
- Masler asked if there is a certain timeframe for *site plan* and *subdivision applications*. Reed replied that the *applicant* has one year to commence an approved *application* per Town Municipal Code. This is an enforcement issue and should be documented that the *applicant* is on notice.
- Ormiston expressed his concern that resolutions are being created without legal oversight. Reed replied that he is working with Coons and the Executive Committee to be more available. The secretary has indicated that Reed will be issued the Planning Board packages at the same time the Executive Committee receives them. Coons expressed to the Board that if they have concerns regarding a resolution the *application* may be tabled until the issues have been resolved.
- Ormiston asked Reed to comment on the status of the Chemung County Planning Board (CCPB) meeting regarding the changes made in the Town Municipal Code. Reed replied that the agriculture *district* was their concern, so he reviewed the reasons for the changes and CCPB agreed with the *Town's* reasoning.
- Esty questioned the issue of conflict of interest. Reed replied that first you need to disclose that you have a relationship with an *applicant* regardless of whether you would receive a direct or indirect benefit from approving an *application* before the Board and to avoid the appearance of impropriety. The Board member can abstain.
- Esty asked if the Board has any jurisdiction after a *subdivision approval* if the *applicant* decides to sell the *lot* instead of developing. Reed replied that the Board does not have any authority in the allocation of *property*. The Board needs to be aware that decisions are far more reaching than just what is before the Board and exist for a long time.
- Younge commented that previously the Planning Board adhered to the rules and regulations regarding variance request, only to have the ZBA relax the rules and regulations. She asked if Reed is working with the ZBA. Reed replied that he is working with the ZBA and the *application* forms will be changed to utilize the correct criteria for a variance.
- Younge commented that she would like to see the Board address environmental issues better and she would like to address some of these issues in the future with Reed. Mary Ann Balland expressed to the Board that they need to visit the sites.

Meeting adjourned at 9:30 P.M.

Respectfully Submitted

Nancy Van Maarseveen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF AUGUST 12, 2003**

6:30 P.M.
REGULAR MEETING
Conference Room "A"

Present:

Chair - Mark Fleisher
Angela Piersimoni
Lee Younge
Scott Esty
Carl Masler
Lee McDonald

Absent - James Ormiston

Guests: Dr. Sheikh Qadeer
Staff: Chuck Coons

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee.

MINUTES

McDonald made a motion to accept and approve the minutes of July 22, 2003, seconded by Piersimoni. All in favor, motion carried.

**TOWN OF BIG FLATS *SUBDIVISION*
PRELIMINARY PLAT
TAX PARCEL #67.01-1-12**

Fleisher described and reviewed the proposed resolution to confirm the subsequent Public Hearing on the *Subdivision* Preliminary Plat *application*. Fleisher asked for questions and comments. There being none, he asked for a resolution.

**RESOLUTION P119-2003
TOWN OF BIG FLATS *SUBDIVISION*
PRELIMINARY PLAT
TAX PARCEL #67.01-1-12**

Resolution by: Younge
Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Town of Big Flats, owner of tax *parcel* #67.01-1-12, for the *subdivision* approval of this 61-acres *parcel* to create two *parcels*:

- *Parcel A* being a 1.006-acres *parcel*, and
- *Parcel B* being the remainder of the acreage;

AND WHEREAS the *property* is vacant land located in Residential 1 (R1) and the Business Non-retail (BNR) *districts*, approximately 300 feet from Harris Hill Road;

AND WHEREAS the *Bulk and Density* Control Schedule requires 35,000 square feet and 100-foot *lot* width for a residential *lot* in an R1 *district* without public water or sewer, and the proposed 1.006 acre *parcel* meets the minimum requirements;

AND WHEREAS the remaining *parcel* will not be landlocked due to additional access to County Route 64 to the east near Welles Bridge;

AND WHEREAS this Board has set a Public Hearing for August 12, 2003;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *subdivision* preliminary plat.

CARRIED: AYES: Younge, Esty, Fleisher, Masler, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

PUBLIC HEARING

6:30 P.M. TOWN OF BIG FLATS SUBDIVISION PRELIMINARY PLAT TAX PARCEL #67.01-1-12

Chairman Fleisher called the Public Hearing to order at 6:35 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: None

Fleisher closed the Public Hearing at 6:38 P.M. and reconvened the business portion of regular meeting.

TOWN OF BIG FLATS SUBDIVISION PRELIMINARY AND FINAL PLAT TAX PARCEL #67.01-1-12

In reviewing this proposed resolution, Fleisher explained that if adopted it would approve the *Subdivision* Preliminary Plat, and to accept that Preliminary Plat as the final *subdivision* Plat. He asked for questions or comments. There being none, he asked for a resolution.

RESOLUTION P120-2003 TOWN OF BIG FLATS SUBDIVISION PRELIMINARY AND FINAL PLAT TAX PARCEL #67.01-1-12

Resolution by: McDonald

Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Town of Big Flats, owner of tax *parcel* #67.01-1-12, for the *subdivision* approval of this 61-acres *parcel* to create two *parcels*:

- *Parcel A* being a 1.006-acres *parcel*, and
- *Parcel B* being the remainder of the acreage;

AND WHEREAS the *property* is vacant land located in Residential 1 (R1) and the Business Non-retail (BNR) *districts*, approximately 300 feet from Harris Hill Road;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires 35,000 square feet and 100-foot *lot* width for a residential *lot* in an R1 *district* without public water or sewer, and the proposed 1.006 acre *parcel* meets the minimum requirements;

AND WHEREAS the remaining *parcel* will not be landlocked due to additional access to County Route 64 to the east near Welles Bridge;

THEREFORE BE IT RESOLVED that this Board approves the Preliminary *Subdivision* Plat and accepts the Preliminary Plat as a Final *Subdivision* Plat;

AND FURTHER RESOLVED that the final subdivision plat is approved.

CARRIED: AYES: Piersimoni, McDonald, Masler, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

REYNOLDS SUBDIVISION

PRELIMINARY PLAT

TAX PARCEL #47.00-1-33.21

Fleisher reviewed with the Board the resolution as proposed by the Executive Committee. He described the *subdivision* and explained the purpose of dividing the *property*. He noted that the *applicant* had provided a revised map from Weiler Associates for the Board's review. Being no questions or comments, Fleisher asked for a resolution. The State Environmental Quality Review Form of SEQRA was reviewed and completed and a Negative Declaration was declared and a Public Hearing was set for September 25, 2003.

RESOLUTION P121-2003

REYNOLDS SUBDIVISION

PRELIMINARY PLAT

TAX PARCEL #47.00-1-33.21

Resolution by: Esty

Seconded by: McDonald

WHEREAS the Planning Board has received an *application* from Steven and Susan Reynolds, *owners* of a 38.78-acres *parcel* #47.00-1-33.21 located at 107 Upson Road to subdivide the *property* into three *parcels* as shown on a map by Weiler Associates, dated October 6, 1995, revised October 30, 1995, revised April 30, 1998 and August 5, 2003.

- *parcel A-1* being 5.610 acres, *parcel* that is vacant land; and
- *parcel B-1* is approximately 15.595 acres which presently contains a single-*dwelling unit*,

located at 107 Upson Road; and

- *parcel D* is 17.57 acres vacant land;
- *parcel C* as shown on map is not a part of this *subdivision*.

AND WHEREAS the proposed *subdivision* is located on Upson Road near Chambers Road in the Rural *District* (RU);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires a minimum of a three-acre *parcel* for a single-family residential *lot* without public water or sewer;

AND WHEREAS the adjoining *property owners* have been notified in accordance with the rules of the Planning Board.

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for September 25, 2003 at 6:30 p.m. or soon thereafter as practical.

CARRIED: AYES: Younge, Esty, Fleisher, Masler, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

**DESIWORLD GROCERY STORE
SITE PLAN PRELIMINARY PLAN
TAX PARCEL NO.: 66.04-1-11**

Fleisher reviewed with the Board the actions taken on this *site plan application* to date. It was noted that the *applicant* had provided all of the documentation required in Resolution P113-2003. However, due to the complexity of this *application*, two proposed resolutions were presented to the Board.

Fleisher asked Dr. Sheikh Qadeer, applicant and owner of the proposed Desiworld Grocery Store, if he would like to comment concerning his *site plan application*. Dr. Qadeer asked why this *application* has been regarded as inappropriately located by the new administration after he was led to believe for two years that it was acceptable. He asked that the Board consider the benefit his specialty store would have in the community.

Chuck Coons, Director of Building and Codes, stated that the proposed plan is in violation and that there are very few ways to mitigate the corrections needed.

The following are considerations that were reviewed with the *applicant* to determine a reasonable decision.

- The ingress and egress to the proposed grocery store has been determined to be inadequate for vehicle and pedestrian traffic. Younge stated that she visited the site and that she personally experienced the ingress and egress and believes the traffic pattern would present a potential hazardous situation. Dr. Qadeer offered to use his professional office *parking areas* as a turn-around and that he does not expect his businesses to generate a significant amount of traffic. Fleisher commented that the ingress and egress cannot be evaluated on the assumption that there will not be traffic. You don't put a business in not to have business.
- The 13-foot distance between the two principal *structures* is not adequate and presents a hazardous situation in the event of an emergency. Dr. Qadeer offered to install a drive on the right side of the lot. Coons replied that the distance is only eight feet making it unacceptable by code and that the records show that the *applicant* had previously received a denial for a *drive* on that side of the house, and a curb cut was denied by the highway department due to drainage concerns.
- Buffer/barrier options were discussed. The size of the *lot* offers limited options.
- Esty asked if a *building permit* was ever issued. Coons replied that a *building permit* for an addition to the garage had been issued and approved. The *building* could be used for another purpose as long as the purposed *use* complies with the Town Municipal Code.
- Esty expressed his concern about setting precedence for other residents to establish businesses without submitting a *site plan* review and that an *application* for a grocery store was not previously submitted for *approval*.
- Younge asked if presently anyone lives in the single-family *dwelling* on the *parcel*. Dr. Qadeer replied that no one lives in the single-family *dwelling* at this time. Coons commented that even though no one lives there the dwelling still requires the *parking areas*. Dr. Qadeer added that his professional office also located on the *lot* is only open a couple afternoons a week. Coons commented that the *application* doesn't fit the parcel so if the intent is to deny the *application* with conditions he suggests that the Board consult with the Attorney for the Town.
- McDonald questioned as to whether the Board can extend this condition without approval of the site plan. Coons replied it would have to be a conditional approval, example: a possible condition would be that the turnaround be marked.
- Several timeframes were discussed to allow Dr. Qadeer time to relocate the store. It was agreed that the Attorney for the Town be asked to review any mitigation plan and possible liabilities associated with allowing a timeframe. Fleisher explained that the *applicant* would need to request mitigation of any pending issues.

Fleisher asked the Board to review the options and base its findings on the fact that the *application* is incomplete due to the requirements for ingress, egress, *parking areas* and the *buffer/barrier* issues. Coons commented that the intent of option 2 is to deny the application but to consider a condition of denial.

**RESOLUTION P122 -2003
DESIWORLD GROCERY STORE
SITE PLAN PRELIMINARY PLAN
TAX PARCEL NO.: 66.04-1-11**

Resolution by: Younge

Seconded by: Esty

WHEREAS this Board has received an *application* from Dr. Sheikh Qadeer for *site plan* approval for a *retail* specialty food store to be located at 61 Canal Street;

AND WHEREAS the *property* is located in the Town Center (TC) *district* and *retail* sales is an allowable *use* by *site plan* approval;

AND WHEREAS there presently exists a house and an *accessory structure* on the *property* of which the house has a doctor's office within it and the *accessory structure* is proposed to accommodate the *retail use*;

AND WHEREAS the *property* has a single *driveway* entrance from Canal Street, presently with *parking* in the front and the rear;

AND WHEREAS that for environmental review pursuant to 6NYCRR, part 617, this Board has determined this action to be an Unlisted Action in accordance with 6NYCRR part 617 and intends to be the Lead Agency completing an uncoordinated review, in accordance with 6NYCRR 617.6b, with notification sent to the following Interested Agencies:

- o Chemung County Planning Board,
- o Chemung County Health Department
- o Big Flats Public Works,
- o Big Flats Fire Department.

AND WHEREAS the *applicant* has submitted additional documentation as required in Resolution P113-2003 as follows:

- Revised site and parking plan,
- Letter dated August 4, 2003, describing proposed *signs* and *use* of existing exterior lighting;

AND WHEREAS the parking requirements for the combined *uses* as required in Chapter 17.48.010(D)(1) of the Town Municipal Code are as follows:

- One-unit dwelling - 2 *parking areas*
- Professional office use – 2 ½ *parking areas*
- *Retail* use 3 ½ *parking areas*

AND WHEREAS action on the *application site plan* review and *approval* was tabled in Planning Board Resolution P113-2003.

THEREFORE BE IT RESOLVED this Board makes the following findings on the requirements of Chapter 17.32.090(C):

1. Adequacy and arrangement of vehicular traffic, including public transportation and bicycle access and circulation, including on-site circulation.
 - The minimum width of a single combined entrance/exit *drive* shall be not less than 20 feet, per Chapter 12.12.060. The existing *drive* width is 13 feet, making ingress and egress of traffic a potentially dangerous situation due to the narrow width. Vehicles meeting in opposite directions in the *drive* would require that one of the vehicles back up to permit the other vehicle to pass.
2. Location, arrangement, appearance and sufficiency of off-*road* vehicular parking and loading.
 - Eight *parking areas* are required for the combined three *uses*. The submitted documents show six spaces.
3. Adequacy of pedestrian access, circulation, convenience and safety.
 - Sidewalks are available at street side and the entrances to the businesses on site are by paved surfaces.

4. Location, arrangement, size and design of *building*, *outdoor lighting* and *signs*.
 - The deck of the existing single-family *dwelling* and the *structure* of the proposed use are 12.5 feet apart. This area is the only access *drive* to the rear *parking lot*. Lighting is adequate for the site, and the proposed signage complies with the code.
5. Relationship of the various *uses* on the project site to one another and their scale.
 - The three *uses* do not appear to have any relationship to each other.
6. Adequacy of a *buffer* and *barrier* between adjacent *uses* and adjoining *lots*.
 - Due to the width of the *lot* (49.5 feet) and the fact that the *buildings* exist, protection of a buffer zone is not afforded to adjacent *properties* by this proposed *use*.
7. Adequacy of any storm water management system.
 - Documentation has not been presented on this project. As much of the *parking area* is gravel, there appears to be adequate pervious surface. However, any additional impervious surface could have a potentially adverse effect on the drainage of storm water on site.
8. Adequacy of *structures*, *roads*, *drives*, *internal drives*, *driveways* and *buffers* in areas susceptible to flooding, ponding and/or erosion.
 - Not applicable. Not a flood prone area.
9. Adequacy of flood damage prevention measures consistent with Chapter 17.24.
 - Not applicable. Not a flood prone area.
10. Compatibility of *development* with natural features of the site and with surrounding land *uses*.
 - Surrounding uses are residential and business uses.
11. Adequacy of open space for play area, recreation and natural area such as wildlife habitat, wetland and wooded area.
 - Not applicable.
12. Adequacy of orientation of a *structure* and the site design for energy efficiency, the extent to which the proposed plan conserves energy and energy resources in the community, and the protection of adequate sunlight for a *solar energy system*.
 - Not applicable.
13. Adequacy of fire protection water supply and site design to accommodate emergency vehicle access.
 - Public water source is available for fire fighting purposes. Emergency vehicle access is limited due to the width of the existing *drive*. (See #1 above)
14. Consistency of *building* design, scale, mass, and site location with surrounding *development* and *district* intent.
 - The three *uses* on the *lot* are not consistent with one another. The *lot* is narrow in width creating a crowded condition on the *lot* from such *uses* and the compounding impacts associated therein. This is not consistent with the other *uses* in the surrounding area and/or *district*.
15. Any other relevant matter.
 - No additional matters considered.

AND FURTHER RESOLVED that based on the above referenced findings, this Board determines that the proposed *use* is not consistent with the intent of the district, does not provide adequate vehicular access to the *property*, does not provide a *buffer* to the adjacent residential properties and the existing layout of the *buildings* creates a crowded condition on the *lot*;

AND FURTHER RESOLVED that the *site plan application* to use the existing *building* for a *retail* store is hereby denied.

AND FURTHER RESOLVED that any *uses* or activities existing on the *lot* in violation of this denial shall cease and desist by February 12, 2004.

AND FURTHER RESOLVED that this decision be referred to the Attorney for the Town as to the legality of the six-month timetable and be acted on with his written approval. If the Attorney for the Town finds that attaching a timetable to the denial is not permitted, enforcement of immediate cease and desist order shall commence.

CARRIED: AYES: Younge, Esty, Masler, McDonald

NAYS: Fleisher,

ABSTAIN: Piersimoni

ABSENT: Ormiston

PLANNING BOARD MEETING RESCHEDULED

Fleisher read the proposed resolution and there were no objection to the rescheduling of the September 23, 2003 meeting.

RESOLUTION P123-2003 PLANNING BOARD MEETING RESCHEDULED

Resolution by: McDonald

Seconded By: Esty

WHEREAS the regular Planning Board meeting is scheduled for September 23, 2003;

THEREFORE BE IT RESOLVED that the September 23, 2003 regular Planning Board Meeting will be rescheduled to be held at 6:30 p.m. on September 25, 2003 in the Conference Room "A" of the Big Flats Town Hall.

CARRIED: AYES: Piersimoni, McDonald, Masler, Fleisher, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Ormiston

MEMBERS COMMENTS

- Younge commented that she will not be present at the September 2, 2003 Planning Board Meeting.
- The Board discussed the Morroni Plantscape application and agreed that Coons will contact the Attorney for the Town to draft a letter to Terry Morroni to consent to un-tabling of the application in order to proceed with the finalization of his application.
- The Agricultural Society has asked Morroni to become a special agricultural district. The Board discussed the differences between the proposed site plan versus agricultural district uses.
- The Davenport Forest & Oakfield Neighborhood Assoc., Inc. has expressed that it is in the process of composing a letter to submit conditions that they would like the Planning Board and Mr. Morroni to consider.

Meeting adjourned at 8:25 P.M.

Respectfully Submitted

Nancy Van Maarseveen

Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF SEPTEMBER 2, 2003**

6:30 P.M.
REGULAR MEETING
Main Conference Room

Present:

Chair - Mark Fleisher
Angela Piersimoni
Scott Esty
Carl Masler
James Ormiston

Absent - Lee Younge
Absent - Lee McDonald

Guests: James Gensel
Staff: Chuck Coons

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee.

MINUTES

Piersimoni made a motion to accept and approve the minutes of August 12, 2003, seconded by Masler. All in favor, motion carried.

**CROSSAN SUBDIVISION
CONCEPT PLAT
TAX PARCEL #58.01-1-61.1**

Fleisher described and reviewed with the Board the proposed resolution for the Crossan subdivision application. The State Environmental Quality Review Form was reviewed and completed and a Negative Declaration was declared and a Public Hearing was set for October 14, 2003. There being no questions or comments, Fleisher asked for a resolution.

**RESOLUTION P124-2003
CROSSAN SUBDIVISION
CONCEPT PLAT
TAX PARCEL #58.01-1-61.1**

Resolution by: Masler
Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Gregory and Colleen Crossan, *owners* of a 5-acre *parcel* #58.01-1-61.1 located at 483 Hickory Road to subdivide the *property* into three *lots* as shown on a map by Weiler Associates, dated April 12, 1990, revised May 23, 1990, February 16, 1995, April 12, 1995, and August 18, 2003.

- *Lot* 1 to include 2.516 acres, which presently contains a *one-unit dwelling* and a barn,
- *lot* 2-A to include 1.23 acres, presently vacant land,
- *lot* 2-B to include 1.253 acres, presently vacant land.

AND WHEREAS the proposed *subdivision* is located on Hickory Grove Road near Burkeshire Drive in the Residential 1 *District* (R1);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 35,000 square feet for a residential *lot* without public sewer, and the proposed *lots* meet the minimum requirements;

AND WHEREAS the adjoining *property owners* have been notified in accordance with the rules of the Planning Board.

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 57;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for October 14, 2003 at 6:33 p.m. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty

NAYS: None

ABSTAIN: None

ABSENT: Younge, McDonald

BOTTCHERS LANDING

SITE PLAN AMENDMENT

TAX PARCEL NO.: 76.00-2-1.1 & 76.00-2-1.2

Fleisher described and reviewed the proposed resolution for a site plan amendment for relief of conditions #6 and #7 of Resolution P65-95. The Board determined that this application is a Type II Action; therefore, no environmental review is required. Chuck Coons, Director of Building Inspection and Code Enforcement, stated that he received a verbal comment from the fire chief that the emergency access road is needed. The Board offered the following comments:

Members of the Board questioned who would be responsible for the maintenance of the emergency road, especially in the winter. Coons replied that the original condition did not define the maintenance of the road. Piersimoni asked if the emergency road would be constructed to Town specifications. Coons replied that he would check into the proposed construction of the emergency road.

No further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P125 -2003
BOTTCHERS LANDING
SITE PLAN AMENDMENT
TAX PARCEL NO.: 76.00-2-1.1 & 76.00-2-1.2**

Resolution by: Esty
Seconded by: Ormiston

WHEREAS this Board has received an *application* from Brad Kapral for a *site plan* amendment approval for the *property* located at intersection of New York State 352 and South Corning Road;

AND WHEREAS the *property* is located in the Business Non-retail (BNR) *district*;

AND WHEREAS the *applicant* is requesting relief from conditions #6 and #7 as listed in Resolution P65-95 of the *site plan* approval of Phase I dated August 15, 1995, which state:

#6 EMERGENCY ENTRANCE: The emergency entrance from NYS Route 352 as shown on sheet 1, identified as 'RESTRICTED ACCESS EMERGENCY ENTRANCE' shall be equipped with a locked chain attached to substantial and durable posts that block unauthorized entry. A key for the lock to this entrance will be provided to the Big Flats Fire Department and other local emergency service agencies and a *sign* shall be posted at this entrance with an emergency notification telephone number of someone to be contacted in the event that this entrance needs to be opened.

#7 FENCING REQUIREMENTS: The *rear yards* of *buildings* 1, 7, 8, 12, 13 and 14 are to be equipped with a privacy *fence* with a minimum height of 4' and maximum of 6', constructed of substantial materials strong enough to remain stable under ordinary residential usage. This *fence* is to be installed in a manner to incorporate all of the *rear yards* either as individually or separately of the plan. The *fence* shall be in place prior to any *Certificate of Occupancy* being issued for any of the aforementioned *buildings*.

AND WHEREAS all proposed *buildings* have been constructed and all *Certificates of Occupancy* have been issued;

AND WHEREAS Gary Funk, Regional Traffic Engineer of the New York State Department of Transportation (NYS DOT), requested in a letter dated September 21, 1994, that a *fence* be installed along New York State Route 352 for protection of pets and children;

THEREFORE BE IT RESOLVED that for environmental review pursuant to 6NYCRR, part 617, that this action is an administrative action, which is a Type 2 action under SEQRA and no further review is required;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 10 and New York State 352;

AND FURTHER RESOLVED that this Board requires the following documentation prior to making a decision on the requested relief by the *applicant*:

- a letter from the current fire chief of the Big Flats Fire Department making comment on the need for the emergency *access road* as required in condition #6, and
- a letter from the current regional traffic engineer from NYS DOT making comment on the need for a chain link or similar style *fence* along New York State Route 352 as shown on the approved *site plan*;

AND FURTHER RESOLVED that this *application* be tabled with consent of the *applicant* until the required documentation is received.

CARRIED: AYES: Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: McDonald, Younge

CERNOHORSKY SUBDIVISION

CONCEPT PLAT

TAX PARCEL #96.00-1-18.1

Fleisher described and reviewed the proposed resolution for a subdivision application to relieve an encroachment of the applicant's property lines. The Board reviewed and completed the Short Environmental Assessment Form. Ormiston requested that item #8 be marked yes. Piersimoni noted that the application and the map provided were inconsistent in the acreage indicated for lot A. It was agreed that the map would be the point of reference. There being no further questions or comments, Fleisher asked the Board for a resolution.

RESOLUTION P126-2003

CERNOHORSKY SUBDIVISION

CONCEPT PLAT

TAX PARCEL #96.00-1-18.1

Resolution by: Piersimoni

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from G. Ronald and Donna L. Cernohorsky, owners of tax *parcel* #96.00-1-18.1, for the *subdivision* approval of this 60.9-acres *lot* to create the following two *lots*:

- *Lot A* being 1.835-acre *lot* containing vacant land, and
- *Lot B* being the remaining acreage;

AND WHEREAS the proposed *subdivision* is located at Mt. Saviour Road, north of Hendy Creek Road in the Rural (RU) *District*;

AND WHEREAS *lot A* will be re-subdivided with tax *parcel* # 96.00-1-18.2 to relieve an existing encroachment on the *applicant's* land;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board;

BE IT THEREFORE RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500 feet of the Town of Southport line;

AND FURTHER RESOLVED that a notice of this *application* be sent to the Town of Southport;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for October 14, 2003 at 6:35 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty

NAYS: None

ABSTAIN: None

ABSENT: Younge, McDonald

**SIMMONS-ROCKWELL
SITE PLAN AMENDMENT
CONCEPT PLAN
TAX PARCEL # 67.02-1-2.3**

Fleisher described and reviewed the proposed resolution for the site plan amendment submitted by Simmons-Rockwell. Fleisher noted that the area of the proposed signs exceeds the amount of allowable area per the Town Municipal Code and that neither the *site plan* nor the elevation drawings indicated the overall area for the proposed signage.

Coons commented that similar signs were historically accepted prior to the change in the code and that it is the Planning Board's discretion to determine acceptability. Fleisher expressed that the Board has two choices: (1) this application could be treated as a singular request by the Board or (2) the request be considered consistent with the surrounding signage. James Gensel representing the applicant, commented that the application could be considered as two uses (1) new dealership use (2) accessory use service/reconditioning center; which could justify allowing the proposed sign on the side of the building. Gensel added that the bulk of the traffic approaches from the East. Fleisher commented that if the applicant proposes a pole sign in the future it would include the traffic from both East and West. Gensel commented that a pole sign would only advertise the franchise.

Coons used the Food Bank as a comparison. Piersimoni commented that the Planning Board needs to be consist as to what is allowed beyond that specified by the code. Esty questioned the purpose of the sign code limitation and felt that the reasoning should be considered when allowing any deviation.

The Board discussed alternate avenues the applicant could consider:

- reducing the size of the letters;
- Gensel commented that the applicant could have requested a façade sign which would allow 350 square feet;
- Coons commented that if the applicant requests a variance, the State Standard five criteria for an area variance would be used;

There being no further questions or comments, Fleisher asked for a resolution. The Board reviewed and completed the Short Environmental Assessment Form.

**RESOLUTION P127-2003
SIMMONS-ROCKWELL
SITE PLAN AMENDMENT
CONCEPT PLAN
TAX PARCEL # 67.02-1-2.3**

Resolution by: Esty

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Simmons-Rockwell for an amendment of the approved *site plan* as set forth in Resolution P43-2002 to permit, in the Business Regional (BR) *District*, the installation of an illuminated awning to include an awning *sign* with *sign area* totaling 255 square feet as shown on an elevation drawing by Total Identity Group, dated 5/12/03, drawing #21489;

AND WHEREAS the awning is proposed to be installed on the south face and east face of the *building*, with 127.5 square feet of *signage* on each face;

AND WHEREAS, pursuant to the Town Municipal Code Section 17.52.050 D, the maximum permitted *sign area* of an awning *sign* in the BR *District* for a business *use* is at most 100 square feet and permitted only on the side of the *principal building* that faces a *road*;

AND WHEREAS this Board completed an environmental review for the approved *site plan* with a finding of no significant adverse effect on the environment in Resolution P43-2002;

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for *site plan* amendment approval;

AND FURTHER RESOLVED that action on this *application* remains an Unlisted Action under 6NYCRR and this Board remains the Lead Agency doing an uncoordinated review;

AND FURTHER RESOLVED that based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of County Route 64;

AND FURTHER RESOLVED that the Preliminary Plan is approved and accepted as the Final Site Plan;

AND FURTHER RESOLVED that the Final *Site Plan* is approved, subject to the following conditions that:

1. the *sign* be equipped with both a time clock and photocell so that the *sign* is not illuminated between the hours of 10:00 p.m. and 5:30 a.m. of each day, and
2. comments on this *application* be received by this Board from the Chemung County Planning Board prior to endorsement of this approval on the Preliminary Plan by the Chairperson or other member of the Executive Committee of this Board.

CARRIED: AYES: Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: McDonald, Younge

MEMBERS COMMENTS

- Fleisher reviewed the letter to Mr. Terry Morroni in reference to removing his *site plan application* from the table.
- Morroni has requested if the application be placed on the September 25, 2003 Planning Board agenda.
- The Board discussed a letter dated August 28, 2003 from Davenport Forest & Oakfield Neighborhood Assoc., Inc. Coons and the Attorney for the Town will review and prepare a proposed resolution. Fleisher asked Coons if the two conditions: the road and SHPO have been met. Coons replied that SHPO has been done but that the road will have to be included into the final resolution as a condition.

Meeting adjourned at 8:25 P.M.

Respectfully Submitted

Nancy Van Maarseveen
Planning Board Secretary

TOWN OF BIG FLATS PLANNING BOARD

MINUTES OF SEPTEMBER 25, 2003

6:30 P.M.
SPECIAL MEETING
Conference Room "A"

Present:

Chair - Mark Fleisher
Angela Piersimoni
Lee Younge
Scott Esty
Carl Masler
James Ormiston
Absent - Lee McDonald

Guests: James Gensel, Ruth Kuhn, Doug Brackley

AGENDA

The Board agreed to proceed with the agenda as presented by the Executive Committee.

MINUTES

Piersimoni made a motion to accept and approve the minutes of September 2, 2003, seconded by Ormiston, in favor Fleisher, Piersimoni, Esty, Masler, Ormiston, abstained Younge, absent McDonald, motion carried.

REYNOLDS SUBDIVISION PRELIMINARY PLAT TAX PARCEL #47.00-1-33.21

Fleisher described and reviewed the resolution as proposed by the Executive Committee. He asked for a motion to suspend the business portion of the meeting to conduct the Public Hearing.

RESOLUTION P128-2003 REYNOLDS SUBDIVISION PRELIMINARY PLAT TAX PARCEL #47.00-1-33.21

Resolution by: Esty
Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Steven and Susan Reynolds, *owners* of a 38.78-acres *parcel* #47.00-1-33.21 located at 107 Upson Road to subdivide the *property* into three *parcels* as shown on a map by Weiler Associates, dated October 6, 1995, revised October 30, 1995, revised April 30, 1998 and August 5, 2003.

- *parcel* A-1 being 5.610 acres, *parcel* that is vacant land; and
- *parcel* B-1 is approximately 15.595 acres which presently contains a single-*dwelling unit*, located at 107 Upson Road; and
- *parcel* D is 17.57 acres vacant land;
- *parcel* C as shown on map is not a part of this *subdivision*.

AND WHEREAS the proposed *subdivision* is located on Upson Road near Chambers Road in the Rural *District* (RU);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 3 acres and 200-foot frontage *lot width* for a residential *lot* in a RU *district*;

AND WHEREAS this Board set a Public Hearing for September 25, 2003;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this *subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: McDonald

PUBLIC HEARING

6:33 P.M. REYNOLDS SUBDIVISION PRELIMINARY PLAT TAX PARCEL #47.00-1-33.21

Chairman Fleisher called the Public Hearing to order at 6:35 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: None

Fleisher closed the Public Hearing at 6:39 P.M. and reconvened the business portion of the regular meeting.

REYNOLDS SUBDIVISION PRELIMINARY AND FINAL PLAT TAX PARCEL #47.00-1-33.21

The Board reviewed the proposed resolution and being no objections during the Public Hearing moved to accept and approve the preliminary *subdivision* plat as a final plat and the approval of the final *subdivision* plat. Fleisher asked for any discussion concerning the proposed resolution, there being none, he asked for a resolution.

RESOLUTION P129-2003 REYNOLDS SUBDIVISION PRELIMINARY AND FINAL PLAT TAX PARCEL #47.00-1-33.21

Resolution by: Younge

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from Steven and Susan Reynolds, *owners* of a 38.78-acres *parcel* #47.00-1-33.21 located at 107 Upson Road to subdivide the *property* into three *parcels* as shown on a map by Weiler Associates, dated October 6, 1995, revised October 30, 1995, revised April 30, 1998 and August 5, 2003.

- *parcel* A-1 being 5.610 acres, *parcel* that is vacant land; and
- *parcel* B-1 is approximately 15.595 acres which presently contains a *one-unit-dwelling unit*, located at 107 Upson Road; and
- *parcel* D is 17.57 acres vacant land;
- *Parcel C* as shown on map is not a part of this *subdivision*.

AND WHEREAS the proposed *subdivision* is located on Upson Road near Chambers Road in the Rural *District* (RU);

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires a minimum of a three-acre *parcel* for a single-family residential *lot*;

THEREFORE BE IT RESOLVED that this Board approves the Preliminary *Subdivision* Plat and accepts the Preliminary Plat as a Final *Subdivision* Plat;

AND FURTHER RESOLVED that the Final *Subdivision* Plat is approved.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Piersimoni
NAYS: None
ABSTAIN: None
ABSENT: McDonald

TENEYCK SUBDIVISION

CONCEPT PLAT

TAX PARCEL #66.04-4-44.232 & #66.04-4-44.1

Fleisher described and reviewed the resolution as proposed by the Executive Committee. The Short Environmental Assessment Form was completed. Fleisher asked for questions or comments, there being none, he asked for a resolution.

RESOLUTION P130-2003

TENEYCK SUBDIVISION

CONCEPT PLAT

TAX PARCEL #66.04-4-44.232 & #66.04-4-44.1

Resolution by: Ormiston
Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Roger T. Teneyck, *owner* of tax *parcels* #66.04-4-44.232 & #66.04-4-44.1, for the *subdivision* approval of tax *parcel* #66.04-4-44.232, and a re-*subdivision* approval;

AND WHEREAS *parcel* #66.04-4-44.232 is a 1.582 acre *parcel* located on Carpenter Road and is presently vacant land, and *parcel* #66.04-4-44.1 is a 0.603 acre *lot* located on Goss Road and presently contains a *one-unit-dwelling* and both *parcels* are located in the Residential 1 *District* (R1);

AND WHEREAS the 1.582 acre *parcel* is to be subdivided into two *lots*:

- *Parcel A* being 0.606 acre
- *Parcel B* being 0.976-acre

AND WHEREAS *parcel A* will be re-subdivided with *parcel* #66.04-4-44.1 to create a 1.209 acre *lot*;

AND WHEREAS the *Bulk and Density* Control Schedule requires 35,000 square feet for a residential *lot* without public water or sewer;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

BE IT THEREFORE RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung *County* Health Department and the Chemung *County* Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact;

AND FURTHER RESOLVED that the *applicant shall* submit a *survey* map showing the re-subdivision of *Parcel A* with tax *parcel* #66.04-4-44.1;

AND FURTHER RESOLVED that a Public Hearing is required for Preliminary Plat of proposed *subdivisions* and this Board sets a Public Hearing on the Preliminary Plat for November 4, 2003 at 6:30 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: McDonald

**BOTTCHERS LANDING
FINAL SITE PLAN AMENDMENT
TAX PARCEL NO.: 76.00-2-1.1**

Fleisher reviewed the previous resolution at which time the *owner* of Bottchers Landing had requested relief from two conditions that were included in his original *site plan* approval for Phase I. Since the tabling of Resolution P125-2003, the Planning Board has sought and received letters from both the Big Flats Fire Department and the New York State Department of Transportation (DOT) stating that the conditions were still required.

Fleisher described that this proposed resolution by the Executive Committee is a *site plan* amendment to approve the *applicant's* installation of the *fence* and an emergency access *road* to satisfy the conditions required. He then asked the Board for questions or comments.

Piersimoni asked as to the nature of the construction of the *road* that the *applicant* has installed. Fleisher replied that the *road* is an internal *road* for emergency access and has been deemed acceptable by the Chief of the Big Flats Fire Department. Esty questioned the responsibility of maintenance and year around accessibility to the *road*.

Esty asked if any specifics about the *fence* had been submitted and would the *fence* be childproof. Fleisher replied that the *fence* is 30 to 40 feet from the *road*. Younge questioned as to whether the installed *fence* meets the original intent to ensure that a ball or child could not penetrate the *fence*. The Executive Committee in meeting with Chuck Coons, Director of Building Inspection and Code Enforcement, concluded that the purpose of the *fence* was a *barrier* and that the *fence* installed satisfied that purpose. Fleisher commented that DOT did not mandate the *fence* requirements. There being no further comments or questions, Fleisher asked for a resolution.

RESOLUTION P131 -2003
BOTTCHERS LANDING
FINAL SITE PLAN AMENDMENT
TAX PARCEL NO.: 76.00-2-1.1

Resolution by: Esty

Seconded by: Ormiston

WHEREAS this Board has received an *application* from Brad Kapral for a *site plan* amendment approval for the *property* located at intersection of New York State 352 and South Corning Road;

AND WHEREAS the *property* is located in the Business Non-retail (BNR) *district*;

AND WHEREAS the *applicant* is requesting relief from conditions #6 and #7 as listed in Resolution P65-95 of the *site plan* approval of Phase I dated August 15, 1995, which *states*:

#6 EMERGENCY ENTRANCE: The emergency entrance from NYS Route 352 as shown on sheet 1, identified as 'RESTRICTED ACCESS EMERGENCY ENTRANCE' *shall* be equipped with a locked chain attached to substantial and durable posts that block unauthorized entry. A key for the lock to this entrance will be provided to the Big Flats Fire Department and other local emergency service agencies and a *sign shall* be posted at this entrance with an emergency notification telephone number of someone to be contacted in the event that this entrance needs to be opened.

#7 FENCING REQUIREMENTS: The *rear yards* of *buildings* 1, 7, 8, 12, 13 and 14 are to be equipped with a privacy *fence* with a minimum height of 4' and maximum of 6', constructed of substantial materials strong enough to remain stable under ordinary residential usage. This *fence* is to be installed in a manner to incorporate all of the *rear yards* either as individually or separately of the plan. The *fence shall* be in place prior to any *Certificate of Occupancy* being issued for any of the aforementioned *buildings*.

AND WHEREAS all proposed *buildings* have been constructed and all *Certificates of Occupancy* have been issued;

AND WHEREAS this Board, in Resolution P125-2003 required the following documentation prior to making a decision on the requested relief by the *applicant*:

- a letter from the current fire chief of the Big Flats Fire Department making comment on the need for the emergency *access road* as required in condition #6, and

- a letter from the current regional traffic engineer from NYS DOT making comment on the need for a chain link or similar style *fence* along New York State Route 352 as shown on the approved *site plan*;

AND WHEREAS Michael B. Ahrens, Big Flats Fire Chief submitted a letter dated September 9, 2003 stating that the access *road* needs to be installed from New York State Route 352;

AND WHEREAS Gary Funk, Regional Traffic Engineer of the New York State Department of Transportation (NYS DOT), submitted a letter dated September 2, 2003, stating that he continues to recommend a 4-foot safety *fence* be installed along New York State Route 352;

AND WHEREAS that for environmental review pursuant to 6NYCRR, part 617, that this action is an administrative action, which is a Type 2 action under SEQRA and no further review is required;

AND WHEREAS this *application* has been referred to the Chemung *County* Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of *County* Route 10 and New York State 352;

AND WHEREAS the *applicant* has installed an access *road* and by his action has withdrawn the request to grant relief from condition #6 as identified above;

THEREFORE BE IT RESOLVED that this *application* is taken from the table;

AND FURTHER RESOLVED that this Board finds:

- that the installation of a 4 foot high chain link *fence* will detract from the aesthetics of the *development*,
- that there presently exists a berm with tree plantings along New York State Route 352; however, there remains a need for a physical *barrier* in the form of a *fence* between the *development* and New York State Route 352.

AND FURTHER RESOLVED that the *applicant shall* install a *fence* not less than four feet in height that *shall* extend the entire distance of the three *buildings* along New York State Route 352 and be placed on the south side of the berm.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler

NAYS: Piersimoni

ABSTAIN: None

ABSENT: McDonald

CHEMUNG COUNTY IDA SUBDIVISION

CONCEPT PLAT

TAX PARCEL #67.01-1-3 and #67.01-1-58

Fleisher described and reviewed the resolution as proposed by the Executive Committee. The Short Environmental Assessment Form was completed.

Referring to the drawing submitted by Fagan Engineers, Fleisher commented that *parcel C* located across from Daniel Zenker Drive was a non-conforming *lot* would have to be re-subdivided to an adjoining *parcel* to comply with the Town Municipal Code and *lot* requirements.

There being no further questions or comments, Fleisher asked for a resolution.

RESOLUTION P132-2003
CHEMUNG COUNTY IDA SUBDIVISION
CONCEPT PLAT
TAX PARCEL #67.01-1-3 and #67.01-1-58

Resolution by: Ormiston
Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Chemung County Industrial Development Agency (IDA), owner of tax *parcels* #67.01-1-3 and #67.01-1-58, for the re-*subdivision* of and *subdivision* approval of said tax *parcels* as shown on a drawing by Weiler Associates, dated Feb. 28, 2003;

AND WHEREAS the *parcels* are located on Daniel Zenker Road near the intersection of Hibbard Road located in the *Airport Business District* (ABD);

AND WHEREAS *parcel* #67.01-1-3 consists of 11.247 acres and *parcel* #67.01-1-58 consists of 16.104 acres, presently vacant land, and the re-*subdivision* of these *parcels* will create one *parcel* containing 27.67 acres;

AND WHEREAS the newly created 27.67 acres *parcel* will be subdivided to include:

- *Parcel A* being 4.25 acres
- *Parcel B* being 22.147 acres
- *Parcel C* being 1.273 acre

AND WHEREAS *parcel B* will be developed for a pharmaceutical manufacturing *use*, and an *application* for said *use* has been submitted by Fagan Engineers on behalf of Pharma-Tek, Inc. in a document submission package received September 9, 2003

AND WHEREAS the *Bulk* and *Density* Control Schedule requires a minimum *lot* area of three (3) acres;

AND WHEREAS *parcel C* does not meet the minimum *lot* area requirement and will therefore be considered a non-conforming *lot*, and *shall* not be developed or sold until it is made conforming;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

BE IT THEREFORE RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact;

AND FURTHER RESOLVED that this *application* be referred to the Chemung *County* Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet *County* Route 63 and *County* Route 17;

AND FURTHER RESOLVED that a Public Hearing is required for Preliminary Plat of proposed *subdivisions* and this Board sets a Public Hearing on the Preliminary Plat for November 4, 2003 at 6:40 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: McDonald

PHARMA-TEK, INC.

SITE PLAN REVIEW

CONCEPT PLAN

TAX PARCEL #67.01-1-3 and 67.01-1-58

Fleisher described and reviewed the resolution and proposed by the Executive Committee. Fleisher invited James Gensel of Fagan Engineers and representing Pharma-Tek, Inc. to present the *site plan application*.

Gensel explained the traffic volume table on page 6 of the Engineering Report and that this table was developed for the Airport Corporate Park and that its intent was to keep a running tally of the number of vehicles allowed per hour for the entire complex. He continued that this table includes several projects previously approved by the Board that have not yet been constructed. He detailed that the total number of trips per hour for the entire complex was calculated between 1,500 – 1,700, thereby subtracting what has been built from what is to be built would give you a remaining number of 290 vehicles per hour and that this particular project is expected to generate only 75 vehicles per hour.

Chemung County IDA is required to mitigate the full *development* when Airport Corporate Park reaches halfway through the total number of traffic volume vehicles allowed. He reminded the Board that this traffic study includes *improvements* and funding to the Kahler Road interchange and the two intersections of Sing Sing Road and Kahler Road and Kahler Road and Daniel Zenker Drive. He stated that it has been determined that no traffic signal would be warranted.

Gensel stated that the proposed site consists of an existing low area, which allows Fagan to do more with drainage than what's required. Fleisher referring to the drawing commented that the area appears to be wetland. Gensel replied that this area would be used as a retention basin for 2–10 year storm and a detention for 100-year storm. For the 2-10 year storm almost 100% of the storm water runoff will be detained on site. There is no discharge for the two-year storm. There is a discharge of 0.5 cubic feet per second (cfs) from the basin for a 10-year storm, whereas the existing condition shows 6.7 cfs. The basin has been designed with three bay retention basins with *buffer* strips at higher elevations. The purpose of this is to settle out as much residue from the site as possible. Based on the requirements from the NYS Storm Water Design Manual, this case would require ¼ of an acre-foot. The plan provides 0.366 acre-feet more than required.

The 100-year storm discharges to the existing low area at a rate of 19 cfs, whereas the developed area is rated at 45 cfs. The project exceeds the drainage guidelines because there is enough room to provide adequate drainage. Fleisher asked does the wetland fall under DEC or Army Corps of

Engineers. Gensel replied that the wetland falls under the Army Corps of Engineers. Younge asked how many acres the wetland includes. Gensel replied 0.5 acres.

Ormiston asked where the *solid waste* facility is located. Gensel replied that the *solid waste* facility, not yet shown on the *site plan* drawing, is proposed to be located near the loading dock in the rear of the proposed *building*.

Fleisher in reviewing the zoning information commented that the *setbacks* and *parking* spaces seem to exceed all of the requirements. Gensel commented that the *setbacks* and *parking* spaces reflect both phases of the facility.

Younge asked what the expected water usage would be. Gensel replied that Phase I does not require a *lot* of water usage because it consist of *office* space. He estimated that Phase II, the manufacturing Phase, would *use* as much as 10,000 gals per day. The Susquehanna River Basin Commission limit is 20,000.

Younge also asked about wastewater. Gensel replied that the wastewater for the Phase I would be normal usage for *office* space and three employees. For the full *development* they *may* be encapsulating the liquid into the product. The IDA has received a grant from the *State* to construct the new sewage facility for this area. A pump station will be located at the corner of Daniel Zenker Drive and Hibbard Road which will then flow to the existing Airport Corporate Park sewer underneath Guthries Run. The sewer has been designed to extend future service north of Hibbard Road. Fingerlakes Engineering will be connected at the onset and depending on cost, businesses across the *street* from Fingerlakes Engineering. The government requires that all medical waste products be incinerated.

Fleisher asked Gensel to comment as to the amount and quality of the type of traffic to expect. Gensel replied that the original GEIS total estimate for 3-axle traffic (tractor trailers, buses...) in the ACP would be 2% of total traffic volume. In Phase I, one to two tractor-trailers a day is anticipated. The majority of the products are shipped through Federal Express. The west *drive* will be dedicated for the truck traffic and will not be allowed to *use* the east *drive*. The east *drive* is to be used for employees and visitors.

Ormiston requested that an architectural study, proposed landscape design and front view elevations be required. Gensel replied that Fagan Engineers does not have an architect on board at this time, but that elevational drawings have been submitted with an enhanced landscaping plan.

Esty wanted the record to show that he is in the process of negotiating with Pharma-Tek, Inc. as a consulting client for their phone systems. Fleisher replied that at this point it shouldn't be a problem but recommended that he discuss it with the Attorney for the *Town* to clarify.

No further comments or questions, Fleisher asked for a resolution.

RESOLUTION P133-2003
PHARMA-TEK, INC.
SITE PLAN REVIEW
CONCEPT PLAN
TAX PARCEL #67.01-1-3 and 67.01-1-58

Resolution by: Ormiston
Seconded by: Younge

WHEREAS the Planning Board has received an *application* from Fagan Engineers, representing Pharma-Tek, Inc. for a *site plan* review for proposed construction of a pharmaceutical packaging and manufacturing facility. The proposed project is the construction of 100,000 square feet facility in two phases. Phase I consists of a 55,000 square feet *building, parking areas*, and related infrastructure. Phase II consists of a *building* addition of 45,000 square feet.

AND WHEREAS the *parcel* is located south of Daniel Zenker Road and east of Hibbard Road in Airport Corporate Park and located in the *Airport Business District* (ABD);

AND WHEREAS the proposed *site plan* is shown on a plan by Fagan Engineers, drawing 3019-A, dated 8/03;

AND WHEREAS a Generic Environmental Impact Statement (GEIS) was completed on Airport Corporate Park in July of 1995.

AND WHEREAS the adjoining *property owners* have been notified in accordance with the rules of the Planning Board.

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Concept Plan for a *site plan* review and approval,

AND FURTHER RESOLVED for environmental review purposes this Board finds this action to be an Unlisted Action in accordance with 6NYCRR Part 617.5 and this Board intends to be Lead Agency for this action completing a Coordinated Review with the following Involved and Interested Agency:

Involved Agency

Chemung *County* Department of Public Works
Chemung *County* Health Department
Town of Big Flats Water Board
New York State Department of Environmental Conservation (DEC)
Chemung *County* Sewer *District* I

Interested Agency

Chemung *County* Planning Board
Big Flats Fire Department
Elmira-Corning Regional *Airport*

AND FURTHER RESOLVED that this Board determines that this *application* does not contain sufficient documentation to complete the required environmental review and requires that the *applicant* prepare and provide the following information and documentation:

1. The *site plan* needs to show the location and screening detail of the on-site *solid waste* disposal storage.
2. A *sign plan* showing all *signs* proposed for this site, including their location and dimension in accordance with the Town Municipal Code, Section 10.7.
3. The *site plan* must show all proposed exterior lighting. The lighting plan *shall* show compliance with the requirements of the Town Municipal Code.
4. An enhanced landscape plan showing species and size of plantings.

AND FURTHER RESOLVED that this Board finds that the traffic analysis is in keeping with the GEIS prepared for Airport Corporate Park in July 1995, and therefore no further review is required;

AND FURTHER RESOLVED that New York State Department of Environmental Conservation (NYS DEC) will be reviewing the Storm Water Management Plan according to Municipal Separate Storm Sewer System (MS4) NPDES Permit Program, and no further review is required by this Board.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: McDonald

**FULLER dba BILL'S LOCKSMITHING
AREA VARIANCE ZONING REFERRAL
TAX PARCEL NO.: 87.00-1-18**

Fleisher described and reviewed the resolution as proposed by the Executive Committee. In reviewing the five criteria, the Board determined that this variance would not be consistent with the planning objectives of the Town Comprehensive Plan in that the proposed storage *building* would extend into a *Town Road*. Therefore, the resolution recommends denial of the variance by the Zoning Board of Appeals (ZBA).

Fleisher asked for questions and comments, there being none, he asked for a resolution.

**RESOLUTION P134 -2003
FULLER dba BILL'S LOCKSMITHING
AREA VARIANCE ZONING REFERRAL
TAX PARCEL NO.: 87.00-1-18**

Resolution by: Younge

Seconded by: Ormiston

WHEREAS this Board has had referred to it by the Zoning Board of Appeals (ZBA) an *application* for an area variance from David Fuller, George Fuller, Mark Fuller and Hank Fuller (dba Bill's Locksmithing) for a *property* located at 2418 New York State Route 352 in the Business Neighborhood (BN) *district*;

AND WHEREAS the *applicant* is proposing to locate a 100 square foot accessory *structure*, namely storage *building*, on the east side of the *property*, which is a *front yard*;

AND WHEREAS Chapter 17.40.020 (C1) of the Town Municipal Code prohibits an *accessory structure* from being located in the *front yard*;

AND WHEREAS the Planning Board pursuant to Town Municipal Code Section 17.60.070, is required to report its recommendation to the ZBA;

THEREFORE BE IT RESOLVED that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?
Yes, the storage *building* could be moved to the west side of the *building* in the *side yard*.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?

No

3. Is the request substantial?

No

4. Will the request have adverse physical or environmental effects?

Yes, as shown on the map, the storage *building* is proposed to be located in the *Town Road Right-of-way*.

5. Is the alleged difficulty self-created?

Yes, as shown on the map, the storage *building* is proposed to be located in a *front yard* in violation of Town Municipal Code.

AND FURTHER RESOLVED that based on the above findings this Board has determined that granting this variance would not be consistent with the planning objectives of the Town Comprehensive Plan in that the proposed storage *building* would extend into a *Town Road* and therefore the Planning Board recommends denial of the variance by the Zoning Board of Appeals.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: McDonald

COMMENTS:

- Four members of the Planning Board conveyed their experiences at the NYS Planning Federal seminar:
 - Fleisher conveyed that if the Board takes an action, especially a denial, the Board needs to explain the reasoning behind the action. He expressed that meeting people from other areas to exchange information was beneficial. He felt that the *Site Plan* Review session was especially helpful. The two presenters were from the Department of *State*. One of the presenters will be presenting at the November 17, 2003 Training Seminar that will be held at the Chemung *County* Planning Board and the Board is encouraged to attend. He also learned that it is not typical for the ZBA to refer *applications* to the Planning Board for a recommendation in reference to variances and Special *Use* Permit. However, the presenter felt that it is a plus because the Planning Board has available more expertise and resources.
 - Piersimoni expressed that she felt that the sessions were very informative and made her realize that we have to rework our Comprehensive Plan as soon as possible.
 - Van Maarseveen expressed that the sessions were worth the time, except the *subdivision* session was very vague.
 - Ormiston expressed that the sessions reinforced the fact that the *Site Plans* and *Subdivision* reviews *must* be consistent with the Comprehensive Plan and that a Comprehensive Plan is basically obsolete after five years.
 - Gensel commented that an Architect needs to be on staff for an Architecture Review Board.
 - Fleisher had asked if the *Site Plan* review is granted and the *developer* doesn't start the project could the Board revoke approval. Basically it needs to be in the Town Municipal Code.

Meeting adjourned at 8:00 P.M.

Respectfully Submitted

Nancy Van Maarseveen

Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF OCTOBER 14, 2003**

6:30 P.M.
REGULAR MEETING
Big Flats Elementary School

Present:

Vice Chair - Angela Piersimoni
Scott Esty
Carl Masler
James Ormiston
Lee Younge
Lee McDonald
Absent - Mark Fleisher

Guests: Joe Rowe, Marie Caroscio, Cheri Crozier, Dan Dibble, Ron Cunningham, Christa Caffarelli, Steve Reynolds, Matt Smith, Frank Tremblay, Mark Tremblay

Staff: Eric Corey, Chuck Coons

AGENDA

The Board agreed to add MFM Self-Storage Units Site Plan as an eighth item and to proceed with the agenda as modified.

MINUTES

Ormiston made a motion to accept and approve the minutes of September 25, 2003, seconded by McDonald. All in favor, motion carried.

**CROSSAN SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #58.01-1-61.1**

Piersimoni reviewed that the Planning Board has received an *application* from Gregory and Colleen Crossan, *owners* of a 5-acre *parcel* #58.01-1-61.1 located at 483 Hickory Grove Road to subdivide the *property* into three *lots* as shown on a map by Weiler Associates, dated April 12, 1990, revised May 23, 1990, February 16, 1995, April 12, 1995, and August 18, 2003.

- *Lot* 1 to include 2.516 acres, which presently contains a *one-unit dwelling* and a barn,
- *lot* 2-A to include 1.23 acres, presently vacant land,
- *lot* 2-B to include 1.253 acres, presently vacant land.

The proposed *subdivision* is located on Hickory Grove Road near Burkeshire Drive in the Residential 1 *District* (R1), Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 35,000 square feet for a residential *lot* without public sewer, and the proposed *lots* meet the minimum requirements.

The Board has received recommendation of approval from the Chemung County Planning Board regarding the Municipal Referral pursuant to General Municipal Law and correspondence from the Chemung County Health Department stating no objection to the Town Planning Board status as Lead Agency.

The Board set and confirmed a Public Hearing for October 14, 2003 on this *subdivision* preliminary plat and therefore, business portion of the regular meeting is suspended.

PUBLIC HEARING

6:33 P.M. **CROSSAN SUBDIVISION**
PRELIMINARY PLAT
TAX PARCEL #58.01-1-61.1

Vice-Chair Piersimoni called the Public Hearing to order at 6:35 P.M. She noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. She further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Piersimoni asked for comments from those present who wished to speak:

IN FAVOR: None
AGAINST: None
COMMENTS: None

Piersimoni closed the Public Hearing at 6:37 P.M. and reconvened the business portion of the regular meeting.

RESOLUTION P135-2003 **CROSSAN SUBDIVISION** **PRELIMINARY AND FINAL PLAT** **TAX PARCEL #58.01-1-61.1**

Resolution by: Esty
Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Gregory and Colleen Crossan, owners of a 5-acre *parcel* #58.01-1-61.1 located at 483 Hickory Grove Road to subdivide the *property* into three *lots* as shown on a map by Weiler Associates, dated April 12, 1990, revised May 23, 1990, February 16, 1995, April 12, 1995, and August 18, 2003.

- *Lot 1* to include 2.516 acres, which presently contains a *one-unit dwelling* and a barn,
- *lot 2-A* to include 1.23 acres, presently vacant land,
- *lot 2-B* to include 1.253 acres, presently vacant land.

AND WHEREAS the proposed *subdivision* is located on Hickory Grove Road near Burkeshire Drive in the Residential 1 *District* (R1);

AND WHEREAS this Board has received recommendation of approval from the Chemung County Planning Board regarding the Municipal Referral pursuant to General Municipal Law;

AND WHEREAS that this Board has received correspondence from the Chemung County Health Department stating no objection to the Town Planning Board status as Lead Agency;

THEREFORE BE IT RESOLVED that this Board approves the Preliminary *Subdivision* Plat and accepts the Preliminary Plat as a Final *Subdivision* Plat;

AND FURTHER RESOLVED that the Final *Subdivision* Plat is approved.

CARRIED: AYES: McDonald, Masler, Piersimoni, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Fleisher

CERNOHORSKY SUBDIVISION

PRELIMINARY PLAT

TAX PARCEL #96.00-1-18.1

Piersimoni reviewed that the Planning Board has received an *application* from G. Ronald and Donna L. Cernohorsky, *owners* of tax *parcel* #96.00-1-18.1, for the *subdivision* approval of this 60.9-acres *lot* to create the following two *lots*:

- *Lot A* being 1.835-acre *lot* containing vacant land, and
- *Lot B* being the remaining acreage;

The proposed *subdivision* is located at Mt. Saviour Road, north of Hendy Creek Road in the Rural (RU) *District* and *lot A* will be re-subdivided with tax *parcel* # 96.00-1-18.2 to relieve an existing encroachment on the *applicant's* land.

This Board has received recommendation of approval from the Chemung County Planning Board regarding the Municipal Referral pursuant to General Municipal Law. This Board has also received correspondence from the Chemung County Health Department stating no objection to the Town Planning Board status as Lead Agency.

The Board set and confirmed a Public Hearing for October 14, 2003, on this *subdivision* preliminary plat and the business portion of the regular meeting is suspended.

PUBLIC HEARING

6:40 P.M. CERNOHORSKY SUBDIVISION

PRELIMINARY PLAT

TAX PARCEL #96.00-1-18.1

Vice-Chair Piersimoni called the Public Hearing to order at 6:40 P.M. She noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. She further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Piersimoni asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: None

Piersimoni closed the Public Hearing at 6:42 P.M. and reconvened the business portion of the regular meeting

**RESOLUTION P136-2003
CERNOHORSKY SUBDIVISION
PRELIMINARY AND FINAL PLAT
TAX PARCEL #96.00-1-18.1**

Resolution by: McDonald

Seconded by: Esty

WHEREAS the Planning Board has received an *application* from G. Ronald and Donna L. Cernohorsky, owners of tax *parcel* #96.00-1-18.1, for the *subdivision* approval of this 60.9-acres *lot* to create the following two *lots*:

- *Lot A* being 1.835-acre *lot* containing vacant land, and
- *Lot B* being the remaining acreage;

AND WHEREAS the proposed *subdivision* is located at Mt. Saviour Road, north of Hendy Creek Road in the Rural (RU) *District*;

AND WHEREAS *lot A* will be re-subdivided with tax *parcel* # 96.00-1-18.2 to relieve an existing encroachment on the *applicant's* land;

AND WHEREAS this Board has received recommendation of approval from the Chemung County Planning Board regarding the Municipal Referral pursuant to General Municipal Law;

AND WHEREAS that this Board has received correspondence from the Chemung County Health Department stating no objection to the Town Planning Board status as Lead Agency;

THEREFORE BE IT RESOLVED that this Board approves the Preliminary *Subdivision* Plat and accepts the Preliminary Plat as a Final *Subdivision* Plat;

AND FURTHER RESOLVED that the Final *Subdivision* Plat is approved.

CARRIED: AYES: Younge, Esty, Ormiston, Piersimoni, Masler, McDonald

NAYS: None

ABSTAIN: None

ABSENT: Fleisher

**ROUSE AREA VARIANCE
ZONING REFERRAL
TAX PARCEL NO.: #66.01-2-10**

The Board reviewed the five points as set forth in the Town Municipal Code to determine if the granting of the requested area variance would be substantially consistent with the planning objectives of the Town Comprehensive Plan.

Chuck Coons, Director of Building Inspection and Code Enforcement, explained that the purpose for the request for a variance was to enable the *applicant* to add a single-car addition to his existing two-car garage. The proposed addition would encroach four feet into the *setbacks*.

Piersimoni asked for further questions or comments. There being none, she asked for a resolution.

**RESOLUTION P137 -2003
ROUSE AREA VARIANCE
ZONING REFERRAL
TAX PARCEL NO.: #66.01-2-10**

Resolution by: Younge
Seconded by: Ormiston

Whereas this Board has had referred to it by the Zoning Board of Appeals (ZBA) an *application* for an Area Variance from David & Ann Rouse for a *property* located at 183 Davenport Road in the Residential (R1) *district*;

AND WHEREAS the *applicant* is requesting a variance to construct an addition to the existing garage;

AND WHEREAS the proposed addition will extend into the required 25 foot *side yard setback* by four feet;

AND WHEREAS the Planning Board pursuant to Town Municipal Code Section 17.60.070, is required to report its recommendation to the ZBA;

THEREFORE BE IT RESOLVED that this action is a Type II action in accordance with 6NYCRR part 617, and thereby requires no further action under SEQR;

AND FURTHER RESOLVED that this Board makes the following comments on the facts of this case in relation to the criteria for review of an area variance *application* as set forth in the Town Municipal Code Section 17.60.050:

1. Can benefit be achieved by other means feasible to the *applicant*?
No.
2. Will there be an undesirable change in neighborhood character or to nearby *properties*?
No.
3. Is the request substantial?
No.
4. Will the request have adverse physical or environmental effects?
No.
5. Is the alleged difficulty self-created?
Yes, but does not preclude *applicant* from receiving relief.

In summary, this Board believes that the granting of the requested area variance will be substantially consistent with the planning objectives of the Town Comprehensive Plan based on comments on the criteria for review as stated above.

AND FURTHER RESOLVED that this Board recommends favorable approval of the variance by the ZBA.

CARRIED: AYES: Younge, Esty, Ormiston, Piersimoni, Masler, McDonald
NAYS: None
ABSTAIN: None
ABSENT: Fleisher

**WATERS RE-SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #98.05-2-21 and #98.05-2-22**

Piersimoni described that the *application* is to merge two *lots* that the *applicant* owns in order to construct an addition on their home to accommodate their elderly parents. This merger would eliminate a non-conforming *lot* by removing the *property* line.

Piersimoni asked for questions or comments. Coons asked to address the Board. He referred to Chapter 16 of the Town Municipal Code and explained that the same process for a subdivision is required for a re-subdivision; therefore, a Public Hearing is required and would be scheduled for November 25, 2003.

There being no further questions or comments, the Board reviewed and completed the State Environmental Quality Review Short Environmental Assessment Form.

**RESOLUTION P138-2003
WATERS RE-SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #98.05-2-21 and #98.05-2-22**

Resolution by: Ormiston
Seconded by: Masler

WHEREAS the Planning Board has received an *application* from Jeffrey and Debra Waters, *owners* of tax *parcels* #98.05-2-21 and #98-05-2-22, located at the intersection of Hendy Creek Road and Brookline Avenue in the Residential 2 (R2) *district* for a re-subdivision of said two *parcels*;

AND WHEREAS tax *parcel* #98.05-2-21 has an area of 20,040 square feet that contains a one-unit dwelling and tax *parcel* #98-05-2-22 has an area of 9,990 square feet that is presently vacant land;

AND WHEREAS the *applicants* intend to construct an addition to the existing one-unit dwelling that would be constructed across the *property* line;

AND WHEREAS pursuant to Chapter 17.16.020, *Bulk* and *Density* Control Schedule, minimum *lot* area required is 15,000 square feet in the R2 *district*;

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the rules of the Planning Board;

BE IT THEREFORE RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-m as this *property* is located within 500 feet of State Route 225;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *subdivision* and this Board sets a Public Hearing on the Preliminary Plat for November 25, 2003 at 6:33 P.M. or as soon thereafter as practical.

CARRIED: AYES: McDonald, Masler, Piersimoni, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: Fleisher

GUSH ZONING AMENDMENT REQUEST TAX PARCEL #66.03-1-12

Piersimoni described and reviewed the proposed resolution then asked for questions or comments. Coons asked to address the Board. Coons explained that the *Town Board* referred this request to the Planning Board for review and recommendation to determine if a zoning amendment for a retail sales use should be permitted in the Residential 2 *district*, or if the subject *property* should be rezoned to Town Center *district* that permits a *retail sales use*. Coons described that the proposed business would be located approximately 270 feet off Main Street presently in the Residential 2 *district* adjacent to the Town Center *District*. The proposed resolution reflects the Executive Committee determination that a *retail sales use* in the Residential 2 *district* would not be consistent with the Town's objective in the hamlet area.

There being no questions or comments, Piersimoni asked for a resolution.

RESOLUTION P139-2003 GUSH ZONING AMENDMENT REQUEST TAX PARCEL #66.03-1-12

Resolution by: Ormiston

Seconded by: Esty

WHEREAS the *Town Board* has received a letter from Joseph Gush, *owner* of tax *parcel* #66.03-1-12, located on Olcott Road South, North of the intersection of Main Street, requesting the action of a zoning amendment to permit a *retail sales use*, namely the sale and repair of utility trailers on said *parcel*;

AND WHEREAS the *property* is located in the Residential (R2) *district* adjacent to the Town Center (TC) *district*;

AND WHEREAS pursuant to Resolution 243-03 and the Town Municipal Code, Section 17.68.020, the *Town Board* has referred this matter to the Planning Board for:

1. making the required SEQRA (6NYCRR 617.3) review of the requested action on behalf of the *Town Board*, and
2. making a recommendation to the *Town Board* of a decision for the *Town Board* to make on the

AND WHEREAS the *Town Board*, as the decision-maker on the requested action, is the Lead Agency, and referral to the Chemung County Planning Board is required for its response to the requested zoning action;

AND WHEREAS retail sales is not a permitted use in the R2 *district*; pursuant to Code Section 17.12.010, but is permitted in the Town Center *district*;

AND WHEREAS the *applicant's* request for zoning amendment does not specify a particular zoning amendment other than one that will permit retail sales on tax *parcel* #66.03-1-12;

AND WHEREAS the *applicant's* requested zoning amendment could potentially be for:

1. adding in Code Section 17.12.010 a retail sales *use* in the R2 *district* or
2. changing that portion of the *district* in which tax *parcel* #66.03-1-12 lies to TC *district*,

THEREFORE BE IT RESOLVED that this Board finds that the *applicant's* request for a zoning amendment to permit a retail sales *use* is inconsistent with the neighborhood character in the R2 *district*;

AND FURTHER RESOLVED that this Board recommends to the *Town Board* that the *application* for a zoning amendment be denied.

CARRIED: AYES: Esty, Ormiston, Piersimoni, Masler, McDonald, Younge
NAYS: None
ABSTAIN: None
ABSENT: Fleisher

**REYNOLDS SUBDIVISION
CONCEPT PLAT
TAX PARCEL #47.00-1-33.1 and 47.00-1-33.21**

Piersimoni asked Coons to describe the subdivision *application* to the Board. Coons referred to the proposed subdivision map provided by the *applicant* and noted the following:

- The existing two *parcels* will be re-subdivided then subdivided into 12 *lots*, most of which will be around 3 acres,
- *Lots* 10, 11 and 12 are mostly farmland,
- That the *parcels* off from Chambers Road have *steep slopes* half through the *parcels*.

Coons distributed his memo to the Board and explained in detail the twenty-three items required for a Preliminary Subdivision Plat submission in Chapter 16.08.030 of the Town Municipal Code. He further explained that his answers to the twenty-three items were based on the fact that this proposed subdivision will not contain *roads* and infrastructure.

In referring to Chapter 16.08.030, section B of the Town Municipal Code, Coons asked the Board to waive the standard map scale requirements of not more than 50-feet to one inch so as to allow the *applicant* to submit a 100 feet to one inch scale map thus allowing the *applicant* to fit the entire subdivision plat on one map. The Board agreed to waive the standard scale of 50 feet to one inch and permit 100 feet to one inch.

In referring to section 5, the Board agreed that the *applicant* would not have to provide a topographic map prepared by a licensed land surveyor, but would be required to show the topographic features

Younge inquired about the resident of an adjoining *property* who was concerned that the *development* of these proposed *lots* would make her drainage problem worse. Coons replied that this resident's *lot* is in the floodway and the concern has been referred to the Chemung County Department of Public Works and the Commissioner of Big Flats Department of Public Works, Larry Wagner, to see what *may* be required.

Referring to section 10. Coons stated that the owner is not developing these lots.

Referring to Section 15, Coons stated that there would be a letter submitted to the Commissioner of Public Works requesting that the Park Commission review the *application* to determine if there is a need for park and in that area. There is an existing park within a mile of the area. Esty commented that the *road* from the proposed *subdivision* to the existing park has a 55 mph speed. Coons replied that when the land is developed a pedestrian path from the *development* to the existing park could be a condition.

Coons summarized by recommending that the Board adopt his memo as an official document and that it be included in the minutes. The Board agreed and modified the resolution to reflect the Preliminary Plat Requirements document.

Piersimoni asked for further questions or comments. There being none, she asked for a resolution.

RESOLUTION P140-2003
REYNOLDS SUBDIVISION
CONCEPT PLAT
TAX PARCEL #47.00-1-33.1 and 47.00-1-33.21

Resolution by: Ormiston
Seconded by: McDonald

WHEREAS the Planning Board has received an *application* from Steven and Susan Reynolds, *owners* of *parcels* #47.00-1-33.1 and #47.00-1-33.21 to re-subdivide and subdivide the *properties* into twelve *parcels* as shown on a sketch map by Weiler Associates, dated October 6, 1995, revised October 30, 1995, revised April 30, 1998.

AND WHEREAS the proposed *subdivision* is located on Upson Road and Chambers Road in the Rural *District* (RU);

AND WHEREAS

- *parcel* #47.00-1-33.1 contains 82.9 acres and presently consists of a one unit dwelling and vacant land,
- *parcel* #47.00-1-33.21 contains 38.79 acres and presently consists of vacant land;

AND WHEREAS Chapter 17.16 of the Town Municipal Code (*Bulk* and *Density* Control Schedule) requires 3 acres and 200-foot *lot width* for a residential *lot* in a RU *district*;

AND WHEREAS Chuck Coons, Director of Building Inspection and Code Enforcement, has submitted a memo to the Planning Board with his review of the preliminary plat subdivision requirements dated October 14, 2003;

THEREFORE BE IT RESOLVED that this Board accepts the documentation submitted as a Concept

AND FURTHER RESOLVED that for environmental review purposes that this Board finds this action to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board intends to be Lead Agency completing an uncoordinated review with notice of this *application* given to the Chemung County Department of Public Works, Chemung County Health Department and the Chemung County Planning Board,

AND FURTHER RESOLVED that the *applicant* submits a Preliminary Plat that includes all of the details and the requirements pursuant to the above referenced memo from Coons as set forth in Chapter 16.08.030 of the Town Municipal Code.

AND FURTHER RESOLVED pursuant to Chapter 16.12.070 of Town Municipal Code, which requires the *applicant* to provide lands or the value of lands to accommodate parks or playgrounds *development*, this Board requires Chuck Coons, Director of Building Inspection and Code Enforcement to send a letter to the Town of Big Flats Park Commission for their consideration as to the need for parkland in this subdivision or the value thereof.

CARRIED: AYES: Younge, Esty, Ormiston, Piersimoni, Masler, McDonald

NAYS: None

ABSTAIN: None

ABSENT: Fleisher

**MFM SELF-STORAGE UNITS
TIME EXTENSION OF AN APPROVED SITE PLAN
TAX PARCEL No. 76.01-1-7.212**

This *site plan* approval expired February 12, 2003, and the *applicants* have submitted a letter requesting a time extension to begin *construction*.

Piersimoni referred to Chapter 17.32.150(A1) that states “approval of a site plan for a project *shall* be valid for a period of one year from the date of endorsement of the drawing of the approved final plan”. Section 2 states “Failure to secure a *building permit* or to begin construction...*shall* cause a site plan approval to become null and void.” Piersimoni addressed the Board for their consideration as to requiring the *applicants* to begin the *application* process over again and that would only be a three-week delay. Coons commented that no *application* fees would be required and a letter of extension, dated October 14, 2003, has been received as recommended by the Attorney for the Town. Younge expressed that she would prefer to adhere to the process and require the *applicants* to reapply.

Mark Tremblay, a partner of MFM, asked to address the Board. He commented that they were not informed of the one-year time limit and that if they have to wait three weeks they would lose their contractor.

Ormiston commented that there are three new Board members since the original approval of the *application* that are not familiar with the *application*.

Coons recommended that because no changes have been submitted to the previously approved *site plan* the Board grant the extension. The Board determined that because the approved *site plan* has not changed, extension would be granted.

**RESOLUTION P141- 2003
MFM SELF-STORAGE UNITS
TIME EXTENSION OF AN APPROVED SITE PLAN
TAX PARCEL No. 76.01-1-7.212**

Resolution by: Ormiston

Seconded by: Younge

WHEREAS the Planning Board has received a letter from MFM Partnership, dated October 14, 2003, requesting an extension of their site plan approval for Resolution P9-02, dated February 12, 2002;

AND WHEREAS the *applicant* received Site Plan approval to permit the construction of six (6) 2400 square foot each self-storage units as shown on a plan prepared by the *applicant*, dated 12/6/01, revised 02/04/02,

AND WHEREAS pursuant to Chapter 17.32.150 site plans approval is valid for a period of one year from the date of endorsement of the final plan.

AND WHEREAS that for environmental review pursuant to 6NYCRR, part 617, this action is an administrative action, which is a Type 2 action under SEQRA and no further review is required;

THEREFORE BE IT RESOLVED that this Board finds that there is no significant change to the *site plan* and any relevant codes thereof;

AND FURTHER RESOLVED that this Board grants the extension of the site plan approval pursuant to Chapter 17.32.150(B).

CARRIED: AYES: Esty, Ormiston, Masler, McDonald

NAYS: Younge, Piersimoni

ABSTAIN: None

ABSENT: Fleisher

**PLANTSCAPE EXTERIOR SITE PLAN
TAX PARCEL #66.03-1-1 AND 66.03-1-49**

The Board reviewed the proposed resolution as prepared. On reviewing the conditions, Younge asked what would occur if the Board received a negative letter from the Commissioner of Public Works regarding the acceptance of the *road*. Coons noted that the proposed resolution hinges on a positive confirmation from the Commissioner of Public Works.

Ormiston asked that a modification be made to conditions 5 & 7 to include the acceptance of a written management plan from the *applicant*. Piersimoni asked Coons if the *applicant* has moved the *driveway* from the wetland. Coons replied that he had not. Esty asked who would be qualified and responsible to accept the management plan. Younge suggested that possibly Mark Watts, from the Soil and Water Conservation *district* or a Cornell Agricultural Agent could approve the "Best Management Practices". The Board determined that the Planning Director would seek advice from a knowledgeable consultant for approval as necessary.

Piersimoni stated that although the Board has thoroughly considered all of the concerns by the Davenport Forest & Oakfield Neighborhood Assoc., Inc., the Board agreed that a spokesman from the Davenport Forest & Oakfield Neighborhood Assoc., Inc. could address the Board prior to determining

In referring to conditions #4, 5 and 7, Rowe commented that he is concerned that the acceptance should be reviewed by the Planning Board instead of leaving the acceptance to Coons and that an outside agency review the plan and the Board accept the plan based on an outside agency's review. In referring to the storm water issue, Rowe asked about an erosion control plan. Coons replied that DEC has tight regulations on this issue.

In referring to condition #8, Rowe stated that the *applicant's* present gravel *road* drives over the gas pipeline or wetland. Coons commented that he is in the process of contacting the pipeline *owner* and if the Plantscape plan is not acceptable, the *applicant* will have to deal with the DEC issues as required.

Rowe commented that he believes the data used to determine the sight distance from the proposed new road onto Davenport Road is flawed, and wants a third party consultant to review the data. Also, there is still concern about the turning radius for trucks at the intersection of Davenport and Olcott Road. Coons replied that the intersection is an existing feature and that is not a part of the *site plan*. He has spoken with Don Gaylord, Big Flats Highway Superintendent, and Gaylord's comment was that no *Town roads* are designed to handle tractor-trailer traffic.

In referring to condition #19, Rowe requested that the term "in-ground" be replaced with the word "all" to reflect the original intent of the one-acre planting area. After discussion, the Board agreed..

In referring to condition #20, Rowe requested that the Board address the existing sound *barrier* because the *applicant* has already cut down trees and opened up entire areas. Coons replied that the *buffer* and *barrier* is being addressed.

In referring to condition #21, Rowe commented that the residents would like to see the *building* relocated.

Rowe commented as to the Character of the Neighborhood with the following examples:

- the proposed Plant Nursery use has affected the sale of homes,
 - that there have been gunshots from the Morroni *property* within 500 feet of the existing dwellings.
- The Board commented that this is not a Board matter but a police matter.

Piersimoni asked for further questions or comments. Board members agreed to several modifications to the proposed resolution and the resolution was put to a vote.

RESOLUTION P142-2003
PLANTSCAPE EXTERIOR SITE PLAN
TAX PARCEL #66.03-1-1 AND 66.03-1-49

Resolution by: Younge
Seconded by: Ormiston

WHEREAS the Planning Board has before it an *application* from Allen Engineering on behalf of Plantscape Exterior and Terry Morroni for review and approval of a proposed *site plan* to permit a *plant nursery use* on lot B-1 as shown on a revised site plan document by Allen Engineering, Job #01-0261, September 16, 2002;

AND WHEREAS this *application* has been reviewed previously by this Board in Resolutions:

1. P43-2001, dated June 26, 2001,
2. P55-2001, dated August 7, 2001,
3. P59-2001, dated September 18, 2001,
4. P64-2001, dated October 30, 2001,
5. P20-2002, dated May 7, 2002,
6. P33-2002, dated July 9, 2002,
7. P38-2002, dated July 30, 2002
8. P59-2002, dated October 1, 2002,
9. P87-2003 dated February 11, 2003.

AND WHEREAS for purposes of SEQRA, this Board has previously completed the EAF Part II except for question 12 regarding impact on Historic and Archeological Resources due to the need to complete the applicable Phase I Archeological Study of the subject site;

AND WHEREAS the subject *application* was tabled upon mutual consent of the Board and *applicant* pending the *applicant* completing said Phase I Archeological Study;

AND WHEREAS the *applicant* has completed the required Phase I Archeological Study, which is dated September 2003 and performed by Lass Archeological Services, LLC, and said report has been submitted to New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for review and comment;

AND WHEREAS the *Town Board* in Resolution 261-02, dated August 28, 2002 expressed its intention to accept the proposed *road* leading from Davenport Road into the Squires Subdivision, which said the Planning Board under Resolution P58-2002 dated October 1, 2002 approved subdivision;

AND WHEREAS upon the final acceptance of the proposed *road* by the *Town Board*, access to the proposed commercial/business *use* through the Residential (R1) *district* will be by a *public road* thereby satisfying the precedence established under the Court of Appeals decision of *City of Yonkers v. Rentways, Inc.*, 304 NY 499 (1952);

AND WHEREAS in Resolution P87-2003 the September 16, 2002 site plan document was accepted as a Preliminary Plan, and there have been no further revisions to said document;

AND WHEREAS in Resolution P87-2003 the Planning Board commented on the following environmental issues:

- Traffic and Safety,
- Potable Water Supply,
- Fertilizers, Pesticides and Pollution of Ground Water and/or Air,
- Change in Character of Neighborhood.

AND WHEREAS the Davenport Forest & Oakfield Neighborhood Assoc., Inc. submitted a letter dated August 28, 2003 offering their comments regarding the proposed site plan;

AND WHEREAS the *applicant* has given consent to take the *application* from the table in a letter dated September 8, 2003;

THEREFORE BE IT RESOLVED to take the Plantscape Exterior site plan *application* from the table;

AND FURTHER RESOLVED for environmental review purposes this Board finds that there are no significant potential adverse environmental impacts based on the review of all submitted documents and the now complete EAF Part II, and therefore issues a Negative Declaration as shown in the document titled "State Environmental Quality Review Notice of Determination of Significance", dated October 14, 2003,

AND FURTHER RESOLVED that the preliminary plan is approved and accepted as a final plan,

AND FURTHER RESOLVED that the final plan is approved subject to the following conditions:

1. Prior to any work or *development* occurring on the site, the Town and *applicant shall* receive favorable comment from New York State Office of Parks, Recreation and Historic Preservation regarding the Phase I Archeological Study referenced above,
2. Prior to any work or *development* regarding the plant nursery *use*, a *buffer/barrier* in accordance with Chapter 17.36.200 *shall* be installed at the westerly *property* line adjacent to the rear of all residential *parcels* located on County Line Drive,
3. Prior to any work or *development* occurring on the site requiring a *building permit*, the *applicant shall* secure and file with the Town all approvals/permits as required by the Chemung County Health Department concerning the solid waste sewage disposal facility proposed to be located on site,
4. Prior to any work or *development* occurring on the site, the required storm water management plan *shall* be prepared pursuant to NYS DEC new Phase II Storm Water Regulations, and a copy filed with the Town,
5. Prior to any work or *development* occurring on the site, the *applicant shall* file with the Town a written management plan on how the *applicant* will handle and dispose of plant materials and waste generated from the subject plant nursery. The management and handling of such plant material and waste during the operation of said plant nursery *shall* be in compliance with said plan. The plan *shall* be approved by the Planning Office,
6. Prior to any work or *development* occurring on the site, the following unfulfilled conditions pertaining to the related subdivision approval as per Resolution P58-2002 dated October 1, 2002 *shall* be satisfied:

- The required Payment in Lieu of Parkland *shall* be paid to the Town,
 - Surety for the proposed new *road shall* be submitted to the Town.
 - The standard stop sign *shall* be installed at the entrance of the proposed new *road* onto Davenport Road.
7. Prior to any work or *development* occurring on the site, the *Applicant shall* file a revised drawing demonstrating that the proposed gravel *driveway* located on the site has been moved from the wetland area, thereby not requiring any wetland permits herein. The plan *shall* be approved by the Planning Office,
 8. Prior to any work or *development* occurring on the site, a third-party consultant *shall* be retained by the *applicant* and a report filed with the Town determining that the sight distance for all traffic and the proposed turning radius of the proposed new *road* onto Davenport Road as designed by Allen Engineering is acceptable and meets or exceeds any and all specifications associated therewith,
 9. Hours of operation for the subject site *shall* only be 7 a.m. to 6 p.m. Monday through Saturday only.
 10. Large truck and tractor-trailer traffic or operation *shall* be permitted on the subject site only between the hours of 8 a.m. and 5 p.m. Monday through Friday. No such operation or traffic *shall* occur on Saturday or Sunday. Large trucks and tractor-trailers *shall* be defined as being greater than 5 tons gross vehicle weight (GVW).
 11. No equipment operation associated with a plant nursery *use* in violation of Town Municipal Code Chapter 17.36.260 *shall* occur before 8:00 a.m. or after 6:00 p.m. on the site.
 12. No vehicle maintenance other than emergency repairs *shall* be performed on the site.
 13. The operation of the plant nursery *shall* be conducted in accordance with the document submitted by the *applicant* entitled "Best Management Practices (BMP) for Nursery Management".
 14. Any chemical storage tanks located on site *shall* be installed, constructed, and registered with the DEC and *shall* comply with any and all local, state, and federal regulations pertaining thereto.
 15. *Applicant shall* comply with all Municipal and Federal Laws concerning the reporting of hazardous materials on site.
 16. All lighting on the subject site *shall* conform to Town Municipal Code Chapter 17.36.240.
 17. Any and all dumpsters located on site *shall* have a cover(s) to prevent blowing debris,
 18. One directional *sign shall* be permitted to be installed at the intersection of the proposed new *Town road* and Davenport Road, *shall* not be more than four square feet, *shall* be installed in the

Town *Right-of-way* at least five feet from pavement edge, and *shall* be maintained and repaired by the *Applicant*, its successors and assigns,

19. All plantings related to the plant nursery *use shall* be limited to the one acre area of the entire *parcel* as proposed,
20. No living trees along the boundary of the proposed site and New York State Route 17 *shall* be removed in order to protect the existing sound *barrier* created thereby,
21. The proposed pole *building shall* be used solely for the purpose of the operation of the plant nursery and *shall* not be used for storage of any materials, equipment, or supplies not associated with onsite operations.
22. Prior to any work or *development* the *applicant shall* submit a water usage plan to the Susquehanna River Basin Commission (SRBC) for their determination that the *applicant's* proposed water usage will not have a negative impact on the aquifer.

CARRIED: AYES: Younge, Esty, Ormiston, Piersimoni, Masler, McDonald

NAYS: None

ABSTAIN: None

ABSENT: Fleisher

MEMBERS COMMENTS

- Younge commented that the "Training for Municipal Officials" was received and anyone interested in attending should inform the Planning Board Secretary.

Meeting adjourned at 8:36 P.M.

Respectfully Submitted

Nancy Van Maarseveen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF NOVEMBER 4, 2003**

6:30 P.M.
REGULAR MEETING
Big Flats Elementary School

Present:

Chair - Mark Fleisher
Angela Piersimoni
Carl Masler
James Ormiston
Lee McDonald

Absent - Lee Younge
Absent - Scott Esty

Guests: Jamie Gensel, Chris Resig, Harold Phillips, John Michael Goff, George Miner, Ron Lerner,
Galen Salisbury, Jim Bruner, Sophia Bruner, Herbert Enyart, Cleavas Watts

Staff: Chuck Coons

AGENDA

The Board agreed to add Preliminary and Final Site Plan to Pharma-Tek, Inc. Site Plan and to proceed with the agenda as modified.

MINUTES

Ormiston made a motion to accept and approve the minutes of October 14, 2003, seconded by Masler; in favor Ormiston, Masler, Piersimoni, McDonald; abstained Fleisher; motion carried.

TENEYCK SUBDIVISION

PRELIMINARY PLAT

TAX PARCEL #66.04-4-44.232 & #66.04-4-44.1

Fleisher described and reviewed the resolution as proposed by the Executive Committee. He asked for questions or comments, there being none, he asked for a resolution.

RESOLUTION P143-2003

TENEYCK SUBDIVISION

PRELIMINARY PLAT

TAX PARCEL #66.04-4-44.232 & #66.04-4-44.1

Resolution by: Ormiston
Seconded by: McDonald

WHEREAS the Planning Board has received an *application* from Roger T. Teneyck, *owner* of tax *parcels* #66.04-4-44.232 & #66.04-4-44.1, for the *subdivision* approval of tax *parcel* #66.04-4-44.232, and a *re-subdivision* approval;

AND WHEREAS *parcel* #66.04-4-44.232 is a 1.582 acre *parcel* located on Carpenter Road and is presently vacant land, and *parcel* #66.04-4-44.1 is a 0.603 acre *lot* located on Goss Road and presently contains a *one-unit-dwelling* and both *parcels* are located in the Residential 1 *District (R1)*;

AND WHEREAS the 1.582-acre *parcel* is to be subdivided into two *lots* as shown on a map by Dennis J. Wieland, L.S. dated August 26, 2003:

- *Parcel A* being 0.606 acre
- *Parcel B* being 0.976-acre

AND WHEREAS *parcel A* will be re-subdivided with *parcel* #66.04-4-44.1 to create a 1.209 acre *lot*;

AND WHEREAS the *Bulk and Density Control Schedule* requires 35,000 square feet for a residential *lot* without public water or sewer;

AND WHEREAS this Board set a Public Hearing for November 4, 2003;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this subdivision preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Ormiston, Masler, Fleisher, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Esty, Younge

PUBLIC HEARING

6:33 P.M. **TENEYCK SUBDIVISION**
PRELIMINARY PLAT
TAX PARCEL #66.04-4-44.232 & #66.04-4-44.1

Chairman Fleisher called the Public Hearing to order at 6:34 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: None

Fleisher closed the Public Hearing at 6:36 P.M. and reconvened the business portion of the regular meeting.

TENEYCK SUBDIVISION
PRELIMINARY AND FINAL PLAT
TAX PARCEL #66.04-4-44.232 & #66.04-4-44.1

The Board reviewed the proposed resolution and there being no objection during the Public Hearing moved to accept and approve the preliminary subdivision plat as a final plat and the approval of the final subdivision plat. Fleisher asked for questions or comments. There being none, he asked for a resolution.

**RESOLUTION P144-2003
TENNEYCK SUBDIVISION
PRELIMINARY AND FINAL PLAT
TAX PARCEL #66.04-4-44.232 & #66.04-4-44.1**

Resolution by: McDonald

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Roger T. Teneyck, *owner* of tax *parcels* #66.04-4-44.232 & #66.04-4-44.1, for the *subdivision* approval of tax *parcel* #66.04-4-44.232, and a re-*subdivision* approval;

AND WHEREAS *parcel* #66.04-4-44.232 is a 1.582 acre *parcel* located on Carpenter Road and is presently vacant land, and *parcel* #66.04-4-44.1 is a 0.603 acre *lot* located on Goss Road and presently contains a *one-unit-dwelling* and both *parcels* are located in the Residential 1 *District (R1)*;

AND WHEREAS the 1.582-acre *parcel* is to be subdivided into two *lots* as shown on a map by Dennis J. Wieland, L.S. dated August 26, 2003:

- *Parcel A* being 0.606 acre
- *Parcel B* being 0.976-acre

AND WHEREAS *parcel A* will be re-subdivided with *parcel* #66.04-4-44.1 to create a 1.209 acre *lot*;

AND WHEREAS the *Bulk and Density Control Schedule* requires 35,000 square feet for a residential *lot* without public water or sewer;

THEREFORE BE IT RESOLVED that this Board approves the Preliminary subdivision plat and accepts the preliminary plat as a final subdivision plat.

AND FURTHER RESOLVED that the Final Subdivision Plat is approved subject to the following condition:

- Prior to endorsement by the Planning Board Chairman, a new plat shall be submitted showing *parcel A* re-subdivided with *parcel C* therefore creating one lot.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Masler, Ormiston

NAYS: None

ABSTAIN: None

ABSENT: Esty, Younge

**CHEMUNG COUNTY IDA SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #67.01-1-3 and #67.01-1-58**

Fleisher described and reviewed the resolution as proposed by the Executive Committee. He asked for questions or comments, there being none, he asked for a resolution.

RESOLUTION P145-2003
CHEMUNG COUNTY IDA SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #67.01-1-3 and #67.01-1-58

Resolution by: Masler
Seconded by: McDonald

WHEREAS the Planning Board has received an *application* from Chemung County Industrial Development Agency (IDA), owner of tax *parcels* #67.01-1-3 and #67.01-1-58, for the re-*subdivision* of and *subdivision* approval of said tax *parcels* as shown on a drawing by Weiler Associates, dated Feb. 28, 2003;

AND WHEREAS the *parcels* are located on Daniel Zenker Road near the intersection of Hibbard Road located in the *Airport Business District* (ABD);

AND WHEREAS *parcel* #67.01-1-3 consists of 11.247 acres and *parcel* #67.01-1-58 consists of 16.104 acres, presently vacant land, and the re-*subdivision* of these *parcels* will create one *parcel* containing 27.67± acres;

AND WHEREAS the newly created 27.67± acres *parcel* will be subdivided to include:

- *Parcel A* being 4.25 acres
- *Parcel B* being 22.147 acres
- *Parcel C* being 1.273 acre

AND WHEREAS *parcel A* will be retained by Chemung County Industrial Development Agency.

AND WHEREAS *parcel B* will be developed for a pharmaceutical packaging and manufacturing *use*, and an *application* for said *use* has been submitted by Fagan Engineers on behalf of Pharma-Tek, Inc. in a document submission package received September 9, 2003;

AND WHEREAS *Parcel C* is a non-conforming *parcel* retained by Chemung County Industrial Development Agency;

AND WHEREAS the *Bulk and Density* Control Schedule requires a minimum *lot* area of three (3) acres;

AND WHEREAS this Board set a Public Hearing for November 4, 2003;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this subdivision preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Masler, Ormiston

NAYS: None

ABSTAIN: None

ABSENT: Esty, Younge

PUBLIC HEARING**6:33 P.M. CHEMUNG COUNTY IDA SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #67.01-1-3 and #67.01-1-58**

Chairman Fleisher called the Public Hearing to order at 6:40 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed *subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None
AGAINST: None
COMMENTS: None

Fleisher closed the Public Hearing at 6:42 P.M. and reconvened the business portion of the regular meeting.

**CHEMUNG COUNTY IDA SUBDIVISION
PRELIMINARY AND FINAL PLAT
TAX PARCEL #67.01-1-3 and #67.01-1-58**

The reviewed the proposed resolution and there being no objection during the Public Hearing moved to accept and approve the preliminary subdivision plat as a final plat and the approval of the final subdivision plat. Fleisher asked for questions or comments, there being none, he asked for a resolution.

**RESOLUTION P146-2003
CHEMUNG COUNTY IDA SUBDIVISION
PRELIMINARY AND FINAL PLAT
TAX PARCEL #67.01-1-3 and #67.01-1-58**

Resolution by: Piersimoni
Seconded by: McDonald

WHEREAS the Planning Board has received an *application* from Chemung County Industrial Development Agency (IDA), owner of tax *parcels* #67.01-1-3 and #67.01-1-58, for the re-*subdivision* of and *subdivision* approval of said tax *parcels* as shown on a drawing by Weiler Associates, dated Feb. 28, 2003;

AND WHEREAS the *parcels* are located on Daniel Zenker Road near the intersection of Hibbard Road located in the *Airport Business District* (ABD);

AND WHEREAS *parcel* #67.01-1-3 consists of 11.247 acres and *parcel* #67.01-1-58 consists of 16.104 acres, presently vacant land, and the re-*subdivision* of these *parcels* will create one *parcel* containing 27.67± acres;

AND WHEREAS the newly created 27.67± acres *parcel* will be subdivided to include:

- *Parcel* A being 4.25 acres
- *Parcel* B being 22.147 acres

- *Parcel C* being 1.273 acre

AND WHEREAS parcel A will be retained by Chemung County Industrial Development Agency.

AND WHEREAS *parcel B* will be developed for a pharmaceutical packaging and manufacturing *use*, and an *application* for said *use* has been submitted by Fagan Engineers on behalf of Pharma-Tek, Inc. in a document submission package received September 9, 2003;

AND WHEREAS Parcel C is a non-conforming parcel retained by Chemung County Industrial Development Agency;

AND WHEREAS the *Bulk* and *Density* Control Schedule requires a minimum *lot* area of three (3) acres;

AND WHEREAS this Board has received a letter dated October 14, 2003 from Ann Clarke, manager of the Elmira-Corning Regional Airport, requesting Avigation Easement be placed on the Final Plat,

AND WHEREAS the Planning Board Chair has received written responses from the Chemung County Planning Department and the Chemung County Health Department pursuant to Resolution P133-2003 stating no objection to the Planning Board as Lead Agency.

THEREFORE BE IT RESOLVED that this Board approves the Preliminary Subdivision Plat and accepts the Preliminary Plat as a Final Subdivision Plat.

AND FURTHER RESOLVED that the Final Subdivision Plat is approved subject to the following conditions:

- The Planning Board Chairman shall identify parcel C on the Final Plat as “not a buildable lot” prior to endorsement.
- Notation on the Final Plat indicating the existence of the Avigation Easement over the aforementioned lots.

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Masler, Ormiston

NAYS: None

ABSTAIN: None

ABSENT: Esty, Young

PHARMA-TEK, INC.

SITE PLAN REVIEW

PRELIMINARY AND FINAL PLAN

TAX PARCEL #67.01-1-3 and 67.01-1-58

Fleisher reviewed the resolution as proposed by the Executive Committee. As Lead Agency, the Board reviewed and completed a Part 2 – Project Impacts and their Magnitude Form and a Negative Declaration Form prepared.

Fleisher asked the Board for questions or comments. McDonald asked Gensel to explain the proposed sewage connection. Gensel explained that the proposed project would be served by a new extension of the Airport Corporate Park sanitary sewer to be constructed by the Chemung County Industrial Development Agency through a grant from New York State. He added that the waterline exist on the North side of Daniel Zenker Road.

RESOLUTION P147-2003
PHARMA-TEK, INC.
SITE PLAN REVIEW
PRELIMINARY AND FINAL PLAN
TAX PARCEL #67.01-1-3 and 67.01-1-58

Resolution by: McDonald

Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Fagan Engineers, representing Pharma-Tek, Inc. for a *site plan* review for proposed construction of a pharmaceutical packaging and manufacturing facility. The proposed project is the construction of 100,000 square feet facility in two phases. Phase 1 consists of a 55,000 square feet *building, parking areas*, and related infrastructure. Phase 2 consists of a *building* addition of 45,000 square feet;

AND WHEREAS the *parcel* is located south of Daniel Zenker Road and east of Hibbard Road in Airport Corporate Park and located in the *Airport Business District* (ABD);

AND WHEREAS the proposed *site plan* is shown on a plan by Fagan Engineers, drawing 3019-A, dated 8/03, revised October 2003;

AND WHEREAS a Generic Environmental Impact Statement (GEIS) was completed on Airport Corporate Park in July of 1995;

AND WHEREAS the adjoining *property owners* have been notified in accordance with the rules of the Planning Board.

AND WHEREAS the applicant has submitted a revised set of drawings received October 24, 2003, showing:

- Location of solid waste dumpster enclosure on sheet #2
- Location of exterior lighting with design detail on sheet #4
- New sheet labeled #4L showing landscaping plan and details

AND WHEREAS the applicant states that any request for signage will be submitted as a site plan amendment application;

AND WHEREAS for purposes of a Coordinated SEQR review the following Involved Agencies have responded in writing deferring Lead Agency status to the Town of Big Flats Planning Board:

- Letter dated October 6, 2003, from Chemung County Planning Board,
- Letter dated October 13, 2003, from Chemung County Environmental Health Services,

AND WHEREAS the following Involved Agencies did not respond in writing, but the required 30 days pursuant to SEQRA has passed:

- Chemung County Department of Public Works
- Big Flats Water Department
- New York State Department of Environmental Conservation
- Chemung County Sewer District

AND WHEREAS this Board received a letter dated October 14, 2003, from Ann Clarke, manager of the Elmira Corning Regional Airport, expressing concern about light spillage and glare from parking lot and building security lights regarding air traffic safety;

THEREFORE BE IT RESOLVED that this Board accepts the Preliminary Plan for the full *development* of the tax *parcel*;

AND FURTHER RESOLVED for environmental review purposes this Board finds that there are no significant potential adverse environmental impacts based on the review of all submitted documents and the now complete EAF Part II, and therefore issues a Negative Declaration as shown in the document titled "State Environmental Quality Review Notice of Determination of Significance", dated November 4, 2003;

AND FURTHER RESOLVED that the Board approves and accepts the Preliminary Plan as Final Plan for only the *development* of Phase I and approves Phase 1 Final Plan with the following conditions:

1. The approved Final Plan be reviewed and commented on by the Chemung County Planning Board before endorsement on behalf of the Planning Board of Big Flats.
2. For the *development* of Phase II, the traffic impact is to be studied to determine any significant changes from initial assumption in this Preliminary Plan,
3. CONSTRUCTION TIMETABLE: A construction timetable for all *improvements* will be written by the *developer* and submitted to the CEO prior to the commencement of any *construction* for this *development*. This timetable will include scheduled completion dates for *improvements* and shall be submitted to the CEO prior to the issuance of any *building permit* for this site.
4. EROSION CONTROL: The proposed project will disturb more than one acre and therefore will require a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). A GP-02-01 Permit must be maintained during construction. The Permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP). Copies of the SWPPP must be forwarded to the Code Enforcement office and also available at the construction site. Weekly construction inspection must be performed by a Qualified Professional as defined by NYSDEC and all logs or inspection reports made available at the site upon request of a Code Enforcement Officer.
5. AS-BUILT DRAWINGS: The *developer* shall provide the Town with as-built drawings, certified by the *design engineer*, submitted to the CEO for review and approval that include as-built construction drawings of all required *improvements*. No Certificate of Occupancy shall be issued until the CEO has received and approved the as-built drawings for the phases of construction approved in this Resolution.
6. SEEDING: The seeding of all disturbed soils shall take place as early in construction as possible. The seeding will be a type of seed appropriate for the grades indicated on the plan, and with the recommendation of the Chemung County Soil and Water Conservation District. All disturbed areas where seeding has been applied will be mulched to prevent erosion.
7. CONSTRUCTION DEBRIS CONTROL: No restricted Construction & Demolition (C&D) material, as defined by NYSDEC, will be disposed of at the site. All such material will be disposed of at the Chemung County landfill or any other appropriate site.
8. NOISE AND DUST DURING CONSTRUCTION: Construction activities that by their nature create excessive noise, such as, but not exclusive of, the operation of heavy earthmoving equipment, grading, and pouring concrete, shall occur between the hours of 7:00 a.m. and 8:00 P.M., Monday through Saturday. All construction equipment will be equipped with mufflers and utilized in such a manner as to reduce noise to the maximum extent possible and to maintain air

quality. During the course of construction, excessive dust shall be controlled by water spraying or other method approved by the CEO. The *public road*, Daniel Zenker Road, shall be kept free of debris and broom cleaned as required.

9. MODIFICATION: Modification or deviation from the approved Final Plan is permitted only with the prior approval of the Planning Board, except that the CEO may approve, with prior notification to the Chairman of the Planning Board, or member of the Planning Board with temporary responsibility of the Chairman, a modification of or deviation that produces no significant change in performance as indicated on/in the approved design of the Final Plan and in the conditions of approval set forth in this Resolution.
10. LIGHT SPILLAGE: All outside lighting, including exterior lighting on the *building*, *shall* be shielded to prevent light spillage off the site, either horizontally or vertically and be of a type or design that will prevent excessive glare to traffic, pedestrians, and air traffic. The *applicant* shall provide copies of lighting equipment cuts and a statement from the *design engineer* in regard to the compliance with the Town Municipal Code, Section 17.36.240 as part of any application for a *Building Permit* for this site.
11. SIGNS: No *signs* have been approved for this action. Any signage requested for this site shall be approved only by site plan amendment.
12. INSPECTIONS: The construction of this project shall be subject to construction inspections of all *improvements*.
13. FAILURE TO COMPLY: Failure to comply with these Conditions shall constitute a violation of Town Municipal Code, Section 17.64.040.

AND FURTHER RESOLVED that prior to issuance of a building permit for any construction the following shall be submitted to the Code Enforcement office:

- Driveway cut approval from the Chemung County Department of Public Works,
- Sewer connection approval from Chemung County Sewer District,
- Water connection approval from Big Flats Water Department

AND FURTHER RESOLVED that pursuant to Chapter 17.32.150 of the Town Municipal Code approval of this site plan shall be valid for a period of one year from the date of the approved final plan;

AND FURTHER RESOLVED that the approval for the full development of the tax parcel shall expire three years from September 9, 2003, which is the effective date of the Environmental Assessment Form (EAF).

CARRIED: AYES: Ormiston, Masler, Fleisher, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Esty, Younge

SYNTHES (USA)***SITE PLAN PRELIMINARY PLAN******TAX PARCELS #57.02-1-69***

Fleisher asked James Gensel of Fagan Engineers to update the Board on the proposed *site plan*. Gensel updated the Board on the changes that have occurred since the workshop meeting in March 2003:

- Referring to the revised Site and Landscape Plan, drawing C-2, Gensel noted that the proposed building in Phase 1 is larger,
- The parking lot and access road (Airport Road) have been changed to accommodate the existing tree line. The larger trees will be maintained as part of the buffer between the parking area and the building. Gensel conveyed that the *applicant* has requested that the landscape and signage plan be finalized as a separate *site plan* amendment subsequent to the construction of Phase 1. McDonald questioned if the trees located near the retention pond could survive the location? Gensel agreed that this concern would be reviewed.
- The smaller parking area (21 vehicle capacity) would provide handicapped and visitor spaces. The larger parking area would provide sufficient parking for both shifts of employees. The first shift would be from 6 a.m. to 2 p.m. and the second from 2 p.m. to 10 p.m. The 2 p.m. peak traffic would not contribute to the 4:30 p.m. to 5:30 p.m. existing peak hour traffic.
- Airport Road would be constructed as part of NYS DOT funded Industrial Access Program Grant and would include an approved traffic signal to be located at Airport Road and Sing Sing Road. The final design of the road would reviewed by IDA and DOT. All employees would be mandated not to use Yawger Road as an exit because of the dangerous intersection of Yawger and Sing Sing Road.
- The existing 100-year storm water condition drains to a low spot near the trees. The area contains no streams or intermittent swales. The water flows from two different areas, one from Yawger Road and to the wetland and the other from Sing Sing Road to the wetland. A soil perc test of the area revealed a percolation rate of 5" per hour.
- The proposed conditions would have the leaders from the building and parking areas directed to the three retention/detention areas that are interconnected and sized to take the full 100-year storm water flows and to be discharged towards the wetlands. Using filtration rates in the calculation would determine no discharge into the wetland area and the three detention areas during the 100-year storm would drain within 48 hours. Gensel referred to a letter previously submitted to the Board from Robert Scott of DEC. Mr. Scott requested that the wetlands be reviewed by DEC. Therefore, all drainage is contingent on this review and approval.
- The owner presented photos of landscaping of their other facilities.
- A separate truck access road is shown off Sing Sing Road. Receiving would consist of approximately two UPS trucks a day and approximately three trailers per month to move new equipment in for potential new processes. Shipping would consist of UPS and an occasional flat bed truck.
- Proposed signage would be on the building and at the Airport Road entrance.
- A permit with the sewer district would monitor the fluid discharge into the sewer system. Any waste that cannot be discharged into the sewer system would be contracted to be disposed of properly. Fleisher added that Synthes manufacturing facility has to be approved by the Federal Food and Drug Administration.

- In summation, Gensel asked if the landscape and signage amendment would be addressed tonight, Fleisher replied that the amendments could be added at the final site plan review.

There being no further comments or questions, Fleisher asked for a resolution.

RESOLUTION P148-2003

SYNTHESES (USA)

SITE PLAN PRELIMINARY PLAN

TAX PARCELS #57.02-1-69

Resolution by: Ormiston

Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* for site plan from Fagan Engineers, on behalf of SYNTHESES (USA) for a *site plan* review for proposed construction of a manufacturing and office facility to be constructed in two phases with a proposed total *footprint* of up to 117, 200 square feet;

AND WHEREAS, Phase I of the proposed project is the construction of 77,200 square feet facility that consists of office and manufacturing *building, parking areas*, and related infrastructure. Phase II consists of a *building* addition of 40,000 square feet and additional parking area;

AND WHEREAS, the facility is proposed to be located at County Route 17 (Sing Sing Road) and County Route 43 (Airport Road), as shown on plans provided by Fagan Engineers, dated 10/21/03, project no. 2001-110. The site is located in the Airport Business *District* (ABD), and presently consists of open vacant grassland. Airport Road will be extended by Chemung County and will provide access to the proposed site.

AND WHEREAS the adjoining *property owners* have been notified in accordance with the rules of the Planning Board.

THEREFORE BE IT RESOLVED to accept the documents presented in this *application* as a Preliminary Plan for a *site plan* review and approval,

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this property is located within 500 feet of County Route 17.

AND FURTHER RESOLVED for environmental review purposes this Board finds this action to be an Unlisted Action in accordance with 6NYCRR Part 617.5 and this Board intends to be Lead Agency for this action completing a Coordinated Review with the following Involved and Interested Agencies:

Involved Agency

New York State Department of Transportation
Chemung County Department of Public Works
Chemung County Health Department
Town of Big Flats Department of Public Works
New York State Department of Environmental Conservation (DEC)
Chemung County Sewer District #I

Interested Agency

Chemung County Planning Board
Big Flats Fire Department
Elmira-Corning Regional Airport

AND FURTHER RESOLVED that this Board determines that this *application* does not contain sufficient documentation to complete the required environmental review and requires that the *applicant* prepare and provide the following information and documentation:

1. The *site plan* needs to show the location and screening detail of the on-site *solid waste* disposal storage.
2. A *sign plan* showing all *signs* proposed for this site, including their location and dimension in accordance with the Town Municipal Code, Section 10.7.
3. An enhanced landscape plan showing species and size of plantings.

AND FURTHER RESOLVED that this Board in accordance with the Town Municipal Code, Chapter 2.12.030 finds this action to be significantly complex in regard to traffic as to require that the Town employ the services of *Consultants* to review the *Applicant's* documentation and analyses concerning the potential for traffic impacts on the local *Road* network in the Town as a result of *Development* in the proposed ABD Zoning *District*;

AND FURTHER RESOLVED that this application be referred to Creighton Manning Engineers (CME) as *Consultant* for the Town for the review of the aforementioned significantly complex issues regarding traffic;

AND FURTHER RESOLVED that in accordance with the Town Municipal Code, paragraph 2.12.050, requires that the *Applicant* establish with the Town of Big Flats an account in the amount of fifteen hundred dollars (\$1,500.00) for the payment of the Town's *Consultant* in accordance with the Town Municipal Code, paragraph 2.12.050;

AND FURTHER RESOLVED that the *Applicant* is advised to provide the Town *Consultant* with a copy of the documentation submitted with this application;

AND FURTHER RESOLVED that prior to any final action by this Board that the following agencies shall respond in writing regarding their respective site plan issues:

- Big Flats Department of Public Works regarding water supply,
- Chemung County Sewer District #1 for sewage waste disposal,
- Chemung County Department of Public Works for drive access to Airport Road and Sing Sing Road,
- New York State Department of Environmental Conservation for wetland protection,
- Big Flats Fire Department regarding the access to the site by fire trucks and other emergency vehicles.

AND FURTHER RESOLVED that New York State Department of Environmental Conservation (NYS DEC) will be reviewing the Storm Water Management Plan according to Municipal Separate Storm Sewer System (MS4) SPDES Permit Program, and no further review is required by this Board.

CARRIED: AYES: Ormiston, Masler, Fleisher, McDonald, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: Esty, Young

SJB DEVELOPMENT, INC. WORKSHOP FOR PROPOSED DINER

The Planning Board received a letter from James and Sophia Bruner of SJB Development, Inc. requesting a workshop to present ideas for a proposed diner to be located across from the Elmira-Corning Regional Airport.

The diner is proposed to be located on an adjoining property to the Synthes site.

- A Boundary Survey Map was distributed that showed the wetland buffer and required setbacks.
- The proposed source of water would be available from a watermain located on the north side of Sing Sing Road.
- Mr. Bruner asked Gensel of Fagan Engineering to respond to the method of sewer disposal that would be available. Gensel responded that the proposed Synthes project would make a sewer extension possible for the proposed diner.
- The proposed lot to be developed contains approximately 2.3 acres. However, Mr. Bruner owns the two adjoining lots. He would use two parcels if necessary for a combined 5 acres
- He would provide a more accurate drawing of the proposed Parking.
- A Floor plan drawing was distributed to show the overall concept of the proposed diner.
- Hours of operation have not been determined, but will be 7 days a week.

Mr. Bruner introduced Herbert G. Enyart, CEO of Paramount Modular Concepts, who has built several similar modular diners in the New Jersey area since 1956.

Mr. Bruner asked the Board for comments. Fleisher responded that traffic should be a strong consideration, especially concerning ingress and egress. Parking and landscaping were additional issues. The Board suggested that Mr. Bruner continue to work with the Code and Planning Department in terms of what documentation should be submitted and when.

**PLANNING BOARD MEETING
CANCELLED AND PUBLIC HEARINGS RESCHEDULED**

Fleisher asked Coons to comment as to the reasons the November 25, 2003 Planning Board Meeting will be rescheduled. The meeting not only had a scheduling conflict because the Town moved the Planning Board Meeting to Tuesday to avoid being to the eve of the holiday. All the agenda item applicants have expressed that the extended time would be acceptable. Gensel related that he could use the additional time to work with the engineering consultant firm on the traffic analysis with Synthes, if the Board has no objection to him contacting the consulting firm directly.

Fleisher asked for comments, there being none, he asked for a resolution.

**RESOLUTION P149-2003
PLANNING BOARD MEETING
CANCELLED AND PUBLIC HEARINGS RESCHEDULED**

Resolution by: McDonald
Seconded By: Ormiston

WHEREAS the regular Planning Board meeting is scheduled for November 25, 2003;

AND WHEREAS a Public Hearing is scheduled for November 25, 2003;

THEREFORE BE IT RESOLVED that the November 25, 2003 regular Planning Board Meeting was cancelled and the Public Hearings will be rescheduled for December 16, 2003;

CARRIED: AYES: Piersimoni, McDonald, Fleisher, Masler, Ormiston

NAYS: None

ABSTAIN: None

ABSENT: Esty, Younge

COMMENTS:

- Piersimoni asked about the Planning Board Budget for Year 2003. Coons commented that he would provide a copy to the Planning Board. Fleisher asked if there are sufficient funds for training for next year? Coons commented that there are funds for training, whether sufficient is to be seen. He is in the process of getting training from New York State.
- Fleisher reminded members to submit their registration to the Planning Board secretary for the New York State Department Trainers for Local Officials to be held on November 17, 2003 at the Town of Big Flats Town Hall.
- Coons commented that on November 18, 2003, there is a morning training in Corning on Junk Yards and an evening training in Owego on Use and Area Variances. If you wish to attend, contact the Planning Board Secretary to register.

Meeting adjourned at 8:10 P.M.

Respectfully Submitted

Nancy Van Maarseveen
Planning Board Secretary

**TOWN OF BIG FLATS PLANNING BOARD
MINUTES OF DECEMBER 16, 2003**

6:30 P.M.
REGULAR MEETING
Big Flats Town Hall
Main Conference Room

Present:

Chair - Mark Fleisher
Angela Piersimoni
Scott Esty
Carl Masler
James Ormiston
Lee Younge

Absent - Lee McDonald

Guests: none
Staff: Chuck Coons

AGENDA

The Board agreed to Agenda as presented.

MINUTES

Fleisher asked the Board for comments concerning the minutes of November 4, 2003. The Board was all in favor to accept and approve the Minutes as presented.

**WATERS RE-SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #98.05-2-21 and #98.05-2-22**

Fleisher reviewed with the Board the proposed resolution and documentation received since the last Planning Board Meeting. He asked if the members had any further questions or comments, being none, he asked for a resolution.

**RESOLUTION P150-2003
WATERS RE-SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL #98.05-2-21 and #98.05-2-22**

Resolution by: Esty
Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Jeffrey and Debra Waters, *owners* of tax *parcels* #98.05-2-21 and #98-05-2-22, located at the intersection of Hendy Creek Road and Brookline Avenue in the Residential 2 (R2) *district* for a re-*subdivision* of said two *parcels*;

AND WHEREAS tax *parcel* #98.05-2-21 has an area of 20,040 square feet that contains a *one-unit dwelling* and tax *parcel* #98-05-2-22 has an area of 9,990 square feet that is presently vacant land;

AND WHEREAS the *applicants* intend to construct an addition to the existing *one-unit dwelling* that would be constructed across the *property* line;

AND WHEREAS pursuant to Chapter 17.16.020, *Bulk* and *Density* Control Schedule, minimum *lot area* required is 15,000 square feet in the R2 *district*;

AND WHEREAS the Chemung County Planning Board, at their October 23, 2003 meeting, returned the *application* for local determination;

AND WHEREAS the Chemung County Health Department, in a letter dated October 12, 2003, stated no objection to the Planning Board being the Lead Agency;

AND WHEREAS a Public Hearing has been set for December 16, 2003;

THEREFORE BE IT RESOLVED that this Board confirms the Public Hearing on this re-*subdivision* preliminary plat and the business portion of the regular meeting is suspended.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Piersimoni

NAYS: None

ABSTAIN: None

ABSENT: McDonald

PUBLIC HEARING

6:33 P.M. **WATERS RE-SUBDIVISION**
PRELIMINARY PLAT
TAX PARCEL #98.05-2-21 and #98.05-2-22

Chair Fleisher called the Public Hearing to order at 6:33 P.M. He noted that the Public Hearing was duly published in the Elmira Star-Gazette and went on to describe the location, features, and purpose of this proposed re-*subdivision*. He further stated that the purpose of the Public Hearing was to receive public comments on the *application* that is the subject of this Public Hearing. Fleisher asked for comments from those present who wished to speak:

IN FAVOR: None

AGAINST: None

COMMENTS: None

Fleisher closed the Public Hearing at 6:34 P.M. and reconvened the business portion of the regular meeting.

WATERS RE-SUBDIVISION
PRELIMINARY AND FINAL PLAT
TAX PARCEL #98.05-2-21 and #98.05-2-22

Fleisher reviewed with the Board that the proposed resolution that would approve the Preliminary Re-*Subdivision* Plat and accept that Preliminary Plat as a Final Re-*Subdivision* Plat subject to the conditions listed.

**RESOLUTION P151-2003
WATERS RE-SUBDIVISION
PRELIMINARY AND FINAL PLAT
TAX PARCEL #98.05-2-21 and #98.05-2-22**

Resolution by: Ormiston
Seconded by: Piersimoni

WHEREAS the Planning Board has received an *application* from Jeffrey and Debra Waters, *owners* of tax *parcels* #98.05-2-21 and #98.05-2-22, located at the intersection of Hendy Creek Road and Brookline Avenue in the Residential 2 (R2) *district* for a re-*subdivision* of said two *parcels*;

AND WHEREAS tax *parcel* #98.05-2-21 has an area of 20,040 square feet that contains a *one-unit dwelling* and tax *parcel* #98.05-2-22 has an area of 9,990 square feet that is presently vacant land;

AND WHEREAS the *applicants* intend to construct an addition to the existing *one-unit dwelling* that would be constructed across the *property* line;

AND WHEREAS pursuant to Chapter 17.16.020, *Bulk and Density* Control Schedule, minimum *lot area* required is 15,000 square feet in the R2 *district*;

THEREFORE BE IT RESOLVED that this Board approves the Preliminary Re-*subdivision* Plat and accepts the Preliminary Plat as a Final Re-*subdivision* Plat;

AND FURTHER RESOLVED that the Final Re-*subdivision* Plat is approved subject to the following conditions:

- The *applicant* shall submit a current *survey* map to the Planning Board secretary showing the re-*subdivision* of subject two *parcels* in the form of one Mylar and three original copies.
- The *applicant* shall file the approved *subdivision* plat with the Chemung County Clerk within sixty-two days (62) from the date of endorsement by the Planning Board Chair.
- Failure of the *applicant* to file the final plat with the County Clerk within sixty-two (62) days *shall* cause such final approval to expire pursuant to Chapter 16.08.040(J) of the Town Municipal Code.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: McDonald

**WHEELER RE-SUBDIVISION
PRELIMINARY PLAT
TAX PARCEL No. 98.05-2-6, #98.05-2-7, and #98.05-2-8**

Fleisher reviewed with the Board the proposed resolution that would set a Public Hearing. The Short Environmental Assessment Form was completed and a Negative Declaration issued. It was noted that the *Bulk and Density* Control Schedule specifies an 80-foot minimum *lot width* allowable in the R2 *district*.

With no further questions or comments, Fleisher asked for a resolution.

RESOLUTION P152-2003

WHEELER RE-SUBDIVISION

PRELIMINARY PLAT

TAX PARCEL No. 98.05-2-6, #98.05-2-7, and #98.05-2-8

Resolution by: Younge
Seconded by: Ormiston

WHEREAS the Planning Board has received an *application* from Lisa Jurusik Wheeler, *owner* of tax *parcels* #98.05-2-6, #98.05-2-7, and #98.05-2-8, located at 28 Vernon Place near the intersection of Bennett Road and State Route 225 in the Residential 2 (R2) *district* for a *re-subdivision* of said three *parcels*;

AND WHEREAS the *applicant* intends to construct an *accessory structure* on *lot* #98.05-2-6, and an *accessory structure* is not permitted as a *primary use* of a residential *property*;

AND WHEREAS an addition to the east side of the existing *one-unit dwelling* was constructed across the *property* line connecting *parcels* #98.05-2-7 and #98.05-2-8;

AND WHEREAS pursuant to Chapter 17.16.020, *Bulk and Density Control Schedule*, minimum *lot area* required is 15,000 square feet in the R2 *district*;

AND WHEREAS the *re-subdivision* of the three *lots* will create one *lot* of 0.620 acres.

AND WHEREAS the adjoining *property owners* have been notified of this *application* pursuant to the Rules of the Planning Board.

THEREFORE BE IT RESOLVED that this Board accepts the documentation in this *application* as a Preliminary Plat in accordance with Title 16 of the Town Municipal Code;

AND FURTHER RESOLVED that, for environmental review this Board finds action on this *application* to be an Unlisted Action in accordance with 6NYCRR 617.3 and that this Board is the Lead Agency completing an uncoordinated review with informational notice of this *application* given to the Chemung County Health Department and the Chemung County Planning Board;

AND FURTHER RESOLVED that this *application* be referred to the Chemung County Planning Board pursuant to General Municipal Law 239-n as this *property* is located within 500 feet of State Route 225;

AND FURTHER RESOLVED that, based on the review of the Short Environmental Assessment Form of SEQRA completed by the *applicant* and this Board, this Board finds no significant potential adverse environmental impact and therefore issues a Negative Declaration;

AND FURTHER RESOLVED that a Public Hearing is required for the Preliminary Plat of a proposed *re-subdivision* and this Board sets a Public Hearing on the Preliminary Plat for January 27, 2004 at 6:33 P.M. or soon thereafter as practical.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: McDonald

**ELMIRA LODGING ASSOCIATES, LLC (HAMPTON INN)
TIME EXTENSION OF AN APPROVED *SITE PLAN*
TAX PARCEL No. 58.01-2-35.3**

Fleisher reviewed with the Board the proposed resolution that would grant the extension of the *applicant's site plan* approved.

Fleisher asked Coons to explain the letter received from the *applicant's* attorney asking for three years extension from December 17, 2003. Coons replied that our code specifies that the Board *may* extend the time of validity of the *site plan* approval for a period of not more than three years from the date of approval endorsement. Fleisher commented that he spoke with Thomas Reed, Attorney for the *Town* as to what constitutes the start of a project. The attorney's comment was the *applicant* has to show substantial intent to complete the project.

Ormiston expressed his concern as to the traffic situation, especially considering the impending highway construction and reminded the Board to consider this extension and any future *application* when reviewing traffic proposed for that area.

Fleisher asked for further questions or comments, being none, he asked for a resolution.

**RESOLUTION P153-2003
ELMIRA LODGING ASSOCIATES, LLC (HAMPTON INN)
TIME EXTENSION OF AN APPROVED *SITE PLAN*
TAX PARCEL No. 58.01-2-35.3**

Resolution by: Esty
Seconded by: Masler

WHEREAS the Planning Board has received a letter, dated November 20, 2003, from Richard P. Woodhouse, Esq., representing Elmira Lodging Associates, LLC, requesting a time extension of their *site plan* approval per Resolution P79-2002, dated December 17, 2002;

AND WHEREAS the *applicant* received *Site Plan* approval to permit the construction of a three-story hotel located on tax parcel #58.01-2-35.3 off Colonial Drive,

AND WHEREAS pursuant to Chapter 17.32.150 *site plan* approval is valid for a period of one year from the date of endorsement of the final plan.

AND WHEREAS that for environmental review pursuant to 6NYCRR, part 617, this action is an administrative action, which is a Type 2 action under SEQRA and no further review is required;

THEREFORE BE IT RESOLVED that this Board finds that there is no significant change to the site plan and any relevant codes thereof;

AND FURTHER RESOLVED that this Board grants the extension of the *site plan* approval, and pursuant to Chapter 17.32.150(B) the *site plan shall* expire on December 17, 2005.

CARRIED: AYES: Young, Esty, Ormiston, Fleisher, Masler, Piersimoni
NAYS: None
ABSTAIN: None
ABSENT: McDonald

**TOWN BOARD REFERRAL
CORBINS HOMES ZONING AMENDMENT REQUEST
TAX PARCEL 66.02-2-24**

Fleisher reviewed with the Board the proposed resolution for a zoning amendment to permit the retail sales of modular homes in the BN *district*. He asked for questions or comments.

Coons identified the location of the BN2 *district* and adjoining *districts* using the Zoning Map. He related that through his conversation with the Attorney for the *Town*, that this *application* lacks merit for changing the code in relation to the *Town's* Comprehensive Plan.

Ormiston stated that under the *Use* Requirement Table (Chapter 17.12.010) permits "Retail other than that listed elsewhere". He commented that this *use* should be further defined to identify retail with indoor display. He noted that residential neighbors *may* be less offended by indoor displays.

Fleisher commented that the *use* could permit several display houses on a *lot*. The Board expressed their concern with the large trucks moving display houses through residential neighborhoods.

There being no further questions or comments, Fleisher asked for a resolution.

**RESOLUTION P154-2003
TOWN BOARD REFERRAL
CORBINS HOMES ZONING AMENDMENT REQUEST
TAX PARCEL 66.02-2-24**

Resolution by: Younge
Seconded by: Ormiston

WHEREAS the *Town Board* received a letter from Edwin A. Corbin II of Corbins Homes requesting the action of a zoning amendment to permit a business displaying and selling modular homes on Tax *Parcel* #66.02-2-24, located on Daniel Zenker Drive and Hillview Drive, as a *principal use*;

AND WHEREAS the *parcel* is zoned Business Neighborhood 2 *district* (BN2) which does not allow retail sales of modular homes;

AND WHEREAS pursuant to *Town Board* Resolution 289-03 and the Town Municipal Code, Section 17.68.020, the *Town Board* has referred this matter to the Planning Board for:

1. making the required SEQRA (6NYCRR 617.3) review of the requested action on behalf of the *Town Board*, and
2. making a recommendation to the *Town Board* of a decision for the *Town Board* to make on the requested action;

AND WHEREAS the *Town Board*, as the decision-maker on the requested action, is the Lead Agency, and referral to the Chemung County Planning Board is required for its response to the requested zoning action;

AND WHEREAS the *applicant's* request for zoning amendment does not specify a particular zoning amendment other than one that will permit retail sales of modular homes on tax *parcel* #66.02-2-24;

AND WHEREAS the *applicant's* requested zoning amendment could potentially be for:

1. adding in Code Section 17.12.010 a retail sales of modular homes *use* in the BN2 *district* or
2. changing that portion of the *district* in which tax *parcel* #66.02-2-24 lies to a *district* that permits the requested *use*;

THEREFORE BE IT RESOLVED that this Board finds that a Zoning Amendment to permit the sale of manufactured housing on tax *parcel* #66.02-2-24 is not consistent with the *Town Comprehensive Plan* based on the following:

- The intent of the BN2 *district*, as described in Chapter 17.08.040(F) of the Town Municipal Code, states that “due to the BN2 *district* proximity to residential *uses* certain *principal uses* shall be excluded that are permitted in ABD and other *districts* of the *Town*”.
- The nearest *district* that currently permits the requested use is Town Center (TC). It is not logical to extend the TC *district* as the BN2 and TC *district* is separated by State Route 17/I-86.

AND FURTHER RESOLVED that this Board recommends to the *Town Board* that the request for a Zoning Amendment be denied.

CARRIED: AYES: Piersimoni, Masler, Fleisher, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: None

ABSENT: McDonald

**RESOLUTION P155-2003
RECOMMENDATION FOR APPOINTMENT OF
2004 CHAIRMAN OF THE PLANNING BOARD**

Resolution by: Piersimoni

Seconded by: Masler

WHEREAS the *Town Board* requires the Planning Board to make a recommendation of a candidate for appointment by the *Town Board* to be Chairman of the Planning Board each new year;

AND WHEREAS Mark Fleisher has consented to be reappointed Chairman of the Planning Board;

THEREFORE BE IT RESOLVED that the Planning Board recommends that the *Town Board* reappoint Mark Fleisher to be Chairman of the Planning Board for 2004.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Esty, Younge

NAYS: None

ABSTAIN: Fleisher

ABSENT: McDonald

**RESOLUTION P156-2003
RECOMMENDATION FOR LEE HANLE-YOUNGE
REAPPOINTMENT AS PLANNING BOARD MEMBER**

Resolution by: Esty
Seconded by: Ormiston

WHEREAS the *Town Board* requires the Planning Board to make a recommendation of a candidate for appointment to be a member of the Planning Board each new year;

AND WHEREAS Lee Hanle-Younge has been serving as member of the Planning Board and has consented to serve another seven-year term;

THEREFORE BE IT RESOLVED that the Planning Board recommends to the *Town Board* that the *Town Board* reappoint Lee Hanle-Younge to be a member of the Planning Board for a seven year term to expire December 31, 2010.

CARRIED: AYES: Esty, Ormiston, Masler, Piersimoni, Fleisher
NAYS: None
ABSTAIN: Younge
ABSENT: McDonald

PLANNING BOARD MEETING SCHEDULE FOR THE YEAR 2004

The Board reviewed the Planning Board Meeting Schedule and noted the following:

- 2004 is a Leap year, creating an extra meeting,
- None of the Planning Board Meetings conflict with any of the holidays in 2004,
- The first *Application* and Executive Committee Meetings would be rescheduled to Monday, December 29, 2003 at the regular times.

**RESOLUTION P157-2003
PLANNING BOARD MEETING SCHEDULE FOR THE YEAR 2004**

Resolution by: Fleisher
Seconded By: Ormiston

WHEREAS the Schedule for the Planning Board Meetings for the Year 2004 has been determined in compliance with the New York State Open Meetings Law;

BE IT THEREFORE RESOLVED that pursuant to Planning Board Rule 3, the scheduled Regular Planning Board Meetings *shall* be held every three weeks on a Tuesday, commencing on January 6, 2004, and such meetings *shall* begin at 6:30 p.m.

CARRIED: AYES: Younge, Esty, Ormiston, Fleisher, Masler, Piersimoni
NAYS: None
ABSTAIN: None
ABSENT: McDonald:

MEMBERS COMMENTS

- Piersimoni commented about the feasibility of an alternate Planning Board member. Several reasons for the need for an alternate member were discussed. An alternate member would have to attend every meeting and be compensated for their presence. It was concluded that the Planning Board is large enough to have a quorum with normal absenteeism.
- Piersimoni commented that the Board should have had the opportunity to review the Planning Board budget before it was presented to the *Town Board*. Coons replied that the budget would be presented to the Planning Board in the future.
- Fleisher referenced Gale Wolfe's letter of concerns with traffic associated with the proposed Synthes *application*. He commented that our *consultant*, Creighton Manning Engineers is reviewing all traffic issues.
- Piersimoni questioned as to the status of the update for the Rules to the Planning Board. The Planning Board secretary will redistribute both the original and the edited version of the Planning Board Rules.
- Ormiston asked if he could obtain an updated copy of Chapter 17 of the Town Municipal Code. The Planning Board secretary will redistribute the latest revisions of Chapter 17 to the members.
- Ormiston commented that he would like to see current *survey* maps for *applications*. Coons stated that the maps submitted for Concept Plans do not need to be current, but once the *applicant* receives Concept Plan approval, the *applicant shall* submit current documents prior to final approval.

Meeting adjourned at 8:00 P.M.

Respectfully Submitted

Nancy Van Maarseveeen
Planning Board Secretary